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Revised 12/01/03

AFC Administrative Rule

R 400.14102 Definitions

.14102(a) "Act"

.15102(a)

Rule 102. (1) As used in these rules: (a) "Act" means Act No. 218 of the Public Acts of 1979, as amended, being {400.701 et seq. of the Michigan Compiled Laws.

Administrative Rule And Statutory Cross Reference

Section 10 of Act 218, P.A. of 1979 as amended.

R 400.14102(b) "Administrator"

.15102(b)

(b) "Administrator" means the person who is designated by the licensee to be responsible for the daily operation and management of the adult foster care small group home The administrator may be the licensee.

Administrative Rule And Statutory Cross Reference

R 400.14201(.1520)(1)

.14202 (1520)(2)

.14203 (1520)(3)

.14.205 (1520)(5)

.14206 (1502)(6)

Section 13(3)(d)(e) of Act 218

R 400.14102(c) "Admission policy"

.15102(c)

(c) "Admission policy" means a home's public statement of its purpose, eligibility requirements for admission, and application procedures for admission.

Administrative Rule And Statutory Cross Reference

R 400.14209 (.1520)(9)

.14301 (.1530)(1)

.14302 (.1530)(2)

See also. Rule 400.14315(11)

Revised 12/01/03

R 400.14102(d) "Assessment plan"
.15102(d)

(d) "Assessment plan" means a written statement which is prepared in cooperation with a responsible agency or person and which identifies the specific care and maintenance, services, and resident activities appropriate for each individual resident's physical and behavioral needs and well-being and the methods of providing the care and services, taking into account the preferences and competency of the individual.

Administrative Rule And Statutory Cross Reference

R 400.14209 (.15209)
.14301 (.15301)
.14302 (.15302)

R400.14102(e) "Assistive device"
.15102(e)

(e) "Assistive device" means the use of an item such as a pillow or pad or medically supplied therapeutic support that is intended to achieve or maintain the proper position, posture, or balance of a resident. An assistive device may also be an item that is intended to promote, achieve, or maintain the resident's independence. Anything that is used with the intent to restrain a resident and that does not permit the resident to remove the device by himself or herself is a restraint and is not an assistive device.

Administrative Rule And Statutory Cross Reference

R400.14306
.15306

R400.14102(f) "Capacity"
.15102(f)

(f) "Capacity" means the maximum number of residents for which a home is licensed.

Administrative Rule And Statutory Cross Reference

R 400.14105 (.15105)
Section 13(5) of Act 218

R 400.14102(g) "Designated representative"

Revised 12/01/03

.15102(g)

(g) "Designated representative" means that person or agency which has been granted written authority, by a resident, to act on behalf of the resident or which is the legal guardian of a resident.

Technical Assistance:

When reviewing resident records the consultant should look for written documentation of designation of the representative; e.g., guardianship papers, power of attorney, a written statement by the resident identifying a designated representative. However, other than this designation being required on the Resident Care Agreement, other documents are not required by rule to be retained in the resident record.

Administrative Rule And Statutory Cross Reference

This term is used throughout rules

**R400.14102(h) "Direct care staff"
.15102(h)**

(h) "Direct care staff" means the adult who is designated by the licensee to provide personal care, protection, and supervision to residents.

Technical Assistance:

This term applies to the individual who performs any one of the described functions.

Administrative Rule And Statutory Cross Reference

R 400.14202 (.15202)
.14204 (.15204)
.14206 (.15206)(2)
.14208 (.15208)(2)
.14307(3) (.15207)(2)

**R 400.14102(i) "Discharge policy"
.15102(i)**

(i) "Discharge policy" means a home's written statement of the conditions and procedures by which a resident is discharged from the home.

Technical Assistance:

Revised 12/01/03

The discharge policy must be consistent with the requirements outlined in the rules that address discharge.

Administrative Rule And Statutory Cross Reference

R400.14302
.15302

**R 400.14102(j) "Health care appraisal"
.15102(j)**

(j) "Health care appraisal" means a licensed physician's, licensed physician's assistant's, or registered nurse's statement that provides an assessment of the general physical condition of a resident.

Technical Assistance:

An acceptable health care appraisal must be in writing and legible.

Administrative Rule And Statutory Cross Reference

R400.14301(10)(11)
.15301(10)(11)

R 400.14310
.15310

**R 400.14102(k) "Home"
.15102(k)**

(k) "Home" means an adult foster care small group home.

(k) "Home" means an adult foster care large group home.

Administrative Rule And Statutory Cross Reference

Section 3(7) of Act 218 (Definition of AFC Small Group Home)

Section 3(6) of Act 218 (Definition of AFC Large Group Home)

**R400.14102(l) "House rules"
.15102(l)**

Revised 12/01/03

(l) "House rules" means those rules which are established by the licensee and which constitute expectations for resident conduct.

Administrative Rule And Statutory Cross Reference

R 400.14302(2)
.15302(2)

R 400.14102(m) "Isolation"
.15102(m)

(m) "Isolation" means the complete and unattended separation of a resident from staff and other residents.

Administrative Rule And Statutory Cross Reference

R400.14308(2)(h)
.15308(2)(h)

R400.14102(n) "Members of the household"
.15102(n)

(n) "Members of the household" means all persons who live in the home, exclusive of residents.

Technical Assistance:

"Members of the household" includes adults and children. The licensing consultant, at time of the original and renewal licensing investigation/evaluation is to establish the identity and relationship to the licensee of all persons residing in the home.

Administrative Rule And Statutory Cross Reference

R400.14105
.15105

R 400.14102(o) "Occupants"
.15102(o)

(o) "Occupants" means all person who live in the home.

Administrative Rule And Statutory Cross Reference

Revised 12/01/03

R400.14105

.15105

R400.14102(p) "Physical restraint"

.15102(p)

(p) "Physical restraint" means the bodily holding of a resident with no more force than is necessary to limit the resident's movement.

Administrative Rule And Statutory Cross Reference

R400.14308(2)

.15308(2)

R 400.14102(q) "Premises"

.15102(q)

(q) "Premises" means the home, grounds, and all other appurtenances.

Administrative Rule And Statutory Cross Reference

R400.14403

.15403

R 400.14102(r) "Program statement"

.15102(r)

(r) "Program statement" means a written description of the home's program, which shall at a minimum include the following:

(i)The population to be served.

(ii)Program goals, services, in addition to those provided in the home, and community resources to meet the residents' needs.

(iii)Services to be provided in the home to the residents, including a description of the types of staff competencies that are necessary to carry out these services.

(iv)A description of any contract agreement through which services and programs are provided.

Revised 12/01/03

Technical Assistance:

The licensing consultant is to review the program statement submitted for completeness, consistency with the home's house rules (if available) and admission policy, and the licensee/administrator's qualifications, training, and experience. A new program statement is to be obtained whenever there is a change in the home's program. The licensing consultant is to document their review in the LSR or in an addendum to the LSR.

If the facility represents to the public that it provides services to persons with Alzheimer's Disease or related condition, the program statement must also comply with Section 400.726b of Act 218.

Administrative Rule And Statutory Cross Reference

R400.14201(6)
.15201(6)
Sec. 726b of Act 218, P.A. of 1979 as amended

**R 400.14102(s) "Related"
.15102(s)**

(s) "Related" means any of the following relationships by marriage, blood, or adoption:

- (i) Spouse.**
- (ii) Child.**
- (iii) Parent.**
- (iv) Brother.**
- (v) Sister.**
- (vi) Grandparent.**
- (vii) Aunt.**
- (viii) Uncle.**
- (ix) Stepparent.**
- (x) Stepbrother.**
- (xi) Stepsister.**
- (xii) Cousin.**

Administrative Rule And Statutory Cross Reference

R 400.1405 (2)(4)

Sec. 701 of Act 218, P.A. of 1979 as amended.
R 400.1505 (2) (4)

Revised 12/01/03

R 400.14102(t) "Resident"
.15102(t)

(t) "Resident" means an adult as defined in section 3 of the act.

Administrative Rule And Statutory Cross Reference

Sec. 703 (3) (1a-b)

R 400.14102(u) "Resident funds"
.15102(u)

(u) "Resident funds" means any monies, securities, bonds, or stocks that are received by a licensee from, or on behalf of, a resident. Monies include all of the following:

- (i) Payment for adult foster care services.**
- (ii) Personal allowance.**
- (iii) Monies held as a trust obligation.**
- (iv) Monies in accounts with financial institutions.**

Technical Assistance:

In accordance to an informal review received from the former Department of Social Services' Bureau of Legal Affairs, "special compensation" as defined by the Mental Health Code **is** considered "resident funds" as defined in R 102. Resident funds include money paid for any and all services provided by an adult foster care facility. This includes any payment received for services provided by a licensee, e.g., extra staffing, special care services (speech therapy, physical therapy, etc.), transportation, and the like. A licensee is required to be accountable for any and all funds received on behalf of or for an adult foster care resident regardless of source, e.g., DCH/CMH contract monies, etc. For accounting purposes, the licensee does not need to record the receipt of food stamps received on behalf of a resident.

Resident funds **do not** include Title XIX (19) Medicaid Personal Care Supplement payments.

Administrative Rule And Statutory Cross Reference

R400.14315
.15315

R 400.14102(v) "Responsible agency"
.15202(v)

Revised 12/01/03

(v) "Responsible agency" means a public or private organization that, upon written agreement with a resident or the resident's designated representative, provides either or both of the following:

- (i) Assessment planning and the establishment of an individual plan of service.**
- (ii) Maintenance of ongoing follow-up services while the resident is in the home.**

Administrative Rule And Statutory Cross Reference

This term is referenced throughout the rules.

R 400.14102(w) "Street floor"
.15102(w)

(w) "Street floor" means any story or floor level that is accessible from the street or from outside the building at grade and, at the main entrance, is not more than 21 inches above, nor more than 12 inches below, street or grade level at those points.

Administrative Rule And Statutory Cross Reference

R400.14408(9)
.15408(9)

R 400.14102(x) "Substantial risk"
.15102(x)

(x) "Substantial risk" means that a resident's behavior poses a serious imminent threat of bodily harm to himself or herself or others or the threat of the destruction of property and that the resident is capable of carrying out such harm or destruction.

Administrative Rule And Statutory Cross Reference

R400.14302(4)
.15302(4)

R 400.14102(y) "Transportation services"
.15102(y)

(y) "Transportation services" means vehicle travel by public or private carrier and related cost to and from program resources in the community, including consultation, medical, and other services.

Administrative Rule And Statutory Cross Reference

Revised 12/01/03

R400.14301(6)(a)(d)
.15301(6)(a)(d)

R 400.14303(3)
.15303(3)

.14318(6)
.15318(6)

R 400.14319
.15319

R 400.14102(z) "Valuables"
.15102(z)

(z) "Valuables" means personal property of a resident, which includes jewelry, furniture, electronic equipment, appliances, and clothing items that have a value of more than \$25.00.

Administrative Rule And Statutory Cross Reference

R400.14315
.15315

R 400.14102(2)
.15102(2)

(2) Terms defined in the act have the same meanings when used in these rules.

Technical Assistance:

When terms are not defined in the Act or in these rules, the standard definition contained in an English dictionary is to be applied.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

**R400.14103
.15103**

Licenses; required information; fee; effect of failure to cooperate with inspection investigation; posting of license; reporting of changes in information.

Rule 103. (1) An applicant for an adult foster care small group home license shall make available at the facility, or arrange for the department's inspection and copying of all of the following items:

Technical Assistance:

These documents are to be reviewed to assure that they comply and do not conflict with licensing requirements.

- (a) A current written admission policy and program statement.**

Technical Assistance:

The program statement, admission and discharge policy serve as the foundation in the evaluation of the applicant for adult foster care. Only the most recent version of these documents is to be retained in the licensing file.

Administrative Rule and Statutory Cross References
Admission and Discharge Policy

R400.14102(c) Definition of "Admission policy"
.15102(c)

R400.14209(1) .(.15209)(1)
R400.14301 (.15301)
R400.14302 (.15302)

Program Statement

R400.14201 (.15201)
R400.14203 (.15203)
R400.14209 (.15209)
R400.14303 (.15303)

(b) Copies of all of the following:

- (i) Personnel policies.**
- (ii) Job descriptions.**
- (iii) Standard or routine procedures.**
- (iv) Proposed staffing patterns.**
- (v) An organizational chart.**

Administrative Rule and Statutory Cross References

Personnel Policies and Job Descriptions

R400.14207 (.15207)

R400.14208 (.15208)

R400.14209 (.15209)

Standard or Routine Procedures

R400.14207 (.15207)

R400.14209 (15209)

R400.14318 (15318)

Note: The licensing consultant may obtain copies of standard or routine procedures other than those referenced if deemed necessary in the evaluation of the licensee/applicant.

Proposed Staffing Patterns

R400.14206 (.15206)

Organizational Chart

Section 13 of Act 218, R 201, 204

(c) A copy of any current agreement or contract between the applicant or licensee, agency, person, or organization that provides or proposes to provide funding, care, treatment, or supplemental services as described in the home's program statement.

Administrative Rule and Statutory Cross Reference**Current agreement, contract between applicant, licensee, agency, . . .**

R400.14201 (.15201)

R400.14209(1) (.15209)(1)

R400.14301(6)-(9) (.15301)(6-9)

R400.14309 (.15309)

Note: The agreement(s) or contract(s) referenced in this rule **do not** refer to the resident care agreement.

(d) A current floor plan of each level and basement of the entire structure, including the interior layout of foster care areas and room descriptions and specifics as to use, the number of beds, and the dimensions of floor space.

Technical Assistance:

The intent of this rule is that the facility be furnished to accommodate the number of residents stated on the license application and the facility floor plan. A copy of the floor plan is to be retained in the licensing file. The floor plan should be reviewed by the consultant so that unreported structural changes may be inspected at the time of the onsite.

Administrative Rule and Statutory Cross Reference**Current Floor Plan**

R400.14405 (.15405)

R400.14407 (.15407)

R400.14408 (.15408)

R400.14409 (.15409)

R400.14410 (.15410)

Fire Safety Rules

R400.14506, R400.14507, R400.14508, R400. 14604

(e) A current financial statement and a proposed biennial budget.

Technical Assistance:

Submission of an annual budget meets the intent of the proposed biennial budget requirement. A financial statement is a "Statement of Income and Balance Sheet" (or it's equivalent).

Administrative Rule and Statutory Cross Reference

Financial Statement

Section 13(a) of Act 218,
R400.14201(2)
R400.15201(2)

Licensing Manual Item 530-Financial Stability and Capability Applicants and Licensees.

(f) Verification of the lease, ownership, or right to occupy arrangements.

Technical Assistance:

A current copy of documentation is to be retained in the licensing file.

Administrative Rule and Statutory Cross Reference

Verification of the Lease, Ownership, Right to Occupy

Section 13(4) of Act 218
Licensing Manual Item 520 - Disclosure of Ownership.

(g) Current articles of incorporation, a letter of authorization from the board of directors that designates the individual who is authorized to act on behalf of the corporation on licensing matters, a current list of the corporate directors, if applicable, and a certificate of incorporation.

Technical Assistance:

The consultant is to review the documents to assure that the name on the application and license are the same as those on the corporate or LLC documents. A copy of the current corporate or LLC documents and licensee designee authorization letter are to be maintained in the licensing file.

Corporations:

A "Certificate of Good Standing" (C & S 2000) meets the requirement for the "Certification of Incorporation."

Limited Liability Companies (LLC):

A Certificate of Good Standing and a copy of properly endorsed Articles of Organization (C&S 700) are to be obtained when the applicant/licensee is a Limited Liability Company.

Administrative Rule and Statutory Cross Reference

Current Articles of Incorporation

Section 5(2), 13(3)(b), 13(7) of Act 218

(h) A current credit history for noncorporate applicants.

Administrative Rule and Statutory Cross Reference

Current Credit History

Section 13(3) and 13(7) of Act 218

Licensing Manual Item 530 - Determining Financial Stability and Capability

(2) A license fee shall accompany an original license application and a license renewal application. This fee is nonrefundable.

Technical Assistance:

Licensing staff are not to enroll a license application until a license fee has been received. A license fee is not transferable to another license application. An on-site inspection is not to be made until an application and fee have been received.

Administrative Rule And Statutory Cross Reference

Section 13a(1) of Act 218

(3) The failure of an applicant or licensee to cooperate with the department in connection with an inspection or investigation shall be grounds for denying, suspending, revoking, or refusing to renew a license.

Administrative Rule And Statutory Cross Reference

Sections 11, 12, and 13(7) of Act 218

Act 149, PA of 1994 (Amendments to Act 328 of 1931, as amended, the Michigan Penal Code). (5/1/95)

(4) The current license, whether regular, provisional, or temporary, shall be posted in the home and shall be available for public inspection.

Technical Assistance:

The licensing consultant should be able to observe that the adult foster care license is located on a wall and posted in an area that is accessible to the public.

Administrative Rule And Statutory Cross Reference

Section 13(5)(7) of Act 218

(5) An applicant or licensee shall give written notice to the department of any changes in information that was previously submitted in or with an application for a license, including any changes in the household and in personnel-related information, within 5 business days after the change occurs.

AFC Administrative Rule

**R 400.14104 Licensee and applicant rights
.15104**

Rule 104. (1) A licensee or an applicant shall have the right to be treated with courtesy, dignity, and fairness by the adult foster care licensing division staff of the department and shall not be discriminated against on the basis of race, religion, color, national origin, sex, age, handicap, height, weight, or marital status.

(2) The department shall provide a licensee or an applicant with written notice regarding appeal rights as provided by Act No. 306 of the Public Acts of 1969, as amended, being {24.201 et seq. of the Michigan Compiled Laws, and the act when there is official notification of the intent to take an adverse action against an applicant or a licensee.

(3) A licensee or an applicant shall be informed of, and shall have the right to bring to the attention of the supervisor of the licensing representative, any alleged misapplication of enforcement of regulations by a licensing representative or any substantial differences of opinion as may occur between the licensee or the applicant and any licensing representative concerning the proper application of the act or these rules. A meeting with the supervisor shall be afforded upon request. This subrule notwithstanding, the licensee or the applicant may contact any other official of the department regarding issues relating to the licensing activities of the department. Any contact with the supervisor or any other departmental official shall not result in any retaliation by the licensing representative.

(4) All written communications, scheduled and unscheduled visits, routine licensing investigations, and complaint investigations shall be conducted according to the provisions of the act and these rules.

(5) A licensee or an applicant may request, pursuant to the provisions of Act No. 442 of the Public Acts of 1976, as amended, being {15.231 et seq. of the Michigan Compiled Laws, copies of department policies or other documents that govern the licensing activities of the department.

(6) A licensee or an applicant shall be afforded the opportunity to have a conference with the licensing representative before the conclusion of a routine licensing investigation or complaint investigation and, as soon as practicable thereafter, shall receive a written response that indicates the findings of the licensing representative or any other licensing official.

Technical Assistance

This exit conference is to be held with the licensee/applicant or their designee face to face if at all possible. If the licensee or their designee is not available for a

face to face exit conference, the consultant is to conduct it over the telephone. The exit conference is to be documented in the written findings.

(7) A licensee or an applicant shall have the right to review a licensing study report in which refusal to renew, revocation, or denial of license issuance is being recommended before that report is finalized, except in situations where the department finds cause to invoke a summary suspension action. The licensee or the applicant shall have the right to submit a written response. The written response shall be considered a part of the official record and shall be subject to disclosure pursuant to the provisions of Act No. 442 of the Public Acts of 1976, as amended, being {15.231 et seq. of the Michigan Compiled Laws.

(8) A licensee or an applicant shall have the right to provide a written response to the findings of the licensing representative or other department official if a licensing investigation report or a complaint investigation report is issued. The written response shall become a part of the department's official licensing record and shall be public information according to the provisions of Act No. 442 of the Public Acts of 1976, as amended, being {15.231 et seq. of the Michigan Compiled Laws, and the act.

(9) A licensee or an applicant may request, in writing, a declaratory ruling as to the applicability of a rule as provided in section 63 of Act No. 306 of the Public Acts of 1969, as amended, being {24.263 of the Michigan Compiled Laws.

(10) The department shall provide advice and technical assistance to the licensee or the applicant to assist the licensee in meeting the requirements of the act and these rules. The department shall offer consultation upon request in developing methods for the improvement of service.

(11) The department shall provide a licensee or an applicant with a written copy of the rights outlined in subrules (1) to (10) of this rule at the time of license application or license renewal.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

**R 400.14105 Licensed capacity
.15105**

Rule 105. (1) The number of residents cared for in a home and the number of resident beds shall not be more than the capacity that is authorized by the license

R 400.14105 Licensed capacity

NOTE: AFC SMALL GROUP ONLY

(2) Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity.

R 400.15105 Licensed capacity

NOTE: AFC LARGE GROUP ONLY

(2) Any occupant of a home other than the licensee or persons who are related to the licensee, live-in staff or live-in staff's spouse and minor children, or the spouse of a resident who is not in need of foster care shall be considered a resident and be counted as a part of the licensed capacity.

(3) The total number of occupants shall not be more than 6 over the licensed capacity.

(4) If a person who is related to a resident lives in the home and subsequently requires foster care, the licensee shall have not more than 30 calendar days to return to the licensed capacity. Failure to do so may result in the department's refusal to renew a license, revocation of the license, or the issuance of a provisional license.

Technical Assistance:

The licensing consultant is to establish the identity of all persons occupying the home.

NOTE: All non-employee adult members of the household must have "Licensing Record Clearance" completed and the results entered on the licensing computer system "People" and "Affiliated Person" screens.

Administrative Rule And Statutory Cross Reference

R400.14103(5)

.15103(5)

R400.14102(1)(N)(S)

AFC Administrative Rule

**R 400.14106(1)(2)(3) Rule variance
.15106**

Rule 106. (1) Upon the written request of an applicant or licensee, the department may grant a variance from an administrative rule if there is clear and convincing evidence that the alternative to the rule complies with the intent of the administrative rule from which the variance is sought

(2) The decision of the department, including the conditions under which the variance is granted, shall be entered upon the records of the department, and a signed copy shall be sent to the applicant or licensee. This variance may be time-limited or may remain in effect for as long as the licensee continues to comply with the intent of the rule.

(3) A variance that is granted pursuant to this rule is not transferable from one applicant to another or from one licensee to another.

Administrative Rule And Statutory Cross Reference

Licensing Manual Item 510

AFC Administrative Rule

AFC Administrative Rule

R400.14201 Qualifications of administrator, direct care staff; licensee, and members of household...

.15201

Rule 201. (1) An administrator and direct care staff shall be persons who are not residents.

Technical Assistance:

The licensing consultant is to review the resident register and employee records to determine the roles of all persons.

Under no circumstances may a resident assist in the administration of the home or care and supervision of other adult foster care residents.

Administrative Rule And Statutory Cross Reference

R400.14102(1)(6)(t)
.15102(1)(6)(t)

(2) A licensee shall have the financial and administrative capability to operate a home to provide the level of care and program stipulated in the application.

Technical Assistance:

The licensing consultant is to follow the Division's policy and procedures regarding financial stability and capability. See AFC Manual Item 530 for determining financial capability.

There should be a correlation between the program to be provided and the financial capability of the applicant/licensee to actually provide the program. Items to be reviewed to determine compliance may include:

- a. Program statement
- b. Admission policy
- c. Financial statement
- d. Budget
- e. Contracts for services

Financial Capability Cross Reference:

Licensing Manual 530 Also see training handbook on "Financial Statements."

Administrative Capability:

The administrative capability of a license applicant may be met when he/she has met the competency requirements contained in subrules (3)(4)(5)(6) and has demonstrated compliance with the Act and the administrative rules. Existing licensees' compliance must also be based upon their demonstrated ability to operate the facility, provide care and services consistent with their Program Statement, Admission/Discharge Policy, and care needs of the residents in the home and the ability to maintain substantial compliance with the Act and these Administrative Rules.

(3) Before a temporary license is issued, an applicant and an administrator shall be competent in all of the following areas:

- (a) Nutrition.**
- (b) First aid.**
- (c) Cardiopulmonary resuscitation.**
- (d) Foster Care, as defined in the act.**
- (e) Safety and fire prevention.**
- (f) Financial and administrative management.**
- (g) Knowledge of the needs of the population to be served.**
- (h) Resident rights.**
- (i) Prevention and containment of communicable diseases.**

Technical Assistance:

"Competent" is defined as "Having requisite ability or qualifications; fit; legally qualified or capable." (Webster's 7th New Collegiate Dictionary.) The subrule (3) requirements apply to any individual or entity who applies for an original (temporary) license regardless of whether that individual or entity has other licensed facilities. Competency can be demonstrated through any one or more of the means identified in subrule (4) of this rule.

When the applicant is a corporation, the individual designated by the Board of Directors to act on behalf of the corporation on licensing matters is to identify those individuals/positions within the corporation who/which singly or collectively are to meet the competency requirements of this rule.

The corporation's board of directors may name the administrator as the individual designated to act on behalf of the corporation regarding licensing matters.

When the corporation's board of directors names an individual to act on behalf of the corporation regarding licensing matters who is also named as the

administrator then that person must meet all the competency requirements of an administrator.

a. Nutrition.

Technical Assistance:

Documentation from the applicant and administrator confirming the completion of a nutrition course, covering the basics of nutrition, food shopping, storage, preparation, kitchen safety, food service and clean up is acceptable.

Acceptable sources of training include but are not limited to local public health departments, local cooperative extension services, local community colleges, American Red Cross, nutrition training provided by the Department or Department of Community Health.

b. First Aid.

Technical Assistance:

Documentation maintained by the licensee confirming the completion of a course (class) in basic first aid is acceptable.

Acceptable sources of training include but are not limited to local public health departments, hospitals, the American Red Cross, a licensed physician, registered nurse (R.N.), emergency medical technician (E.M.T.), physician's assistant, or a person certified by the American Red Cross in this subject as a trainer.

c. Cardiopulmonary Resuscitation (CPR).

Technical Assistance:

Competency in CPR is demonstrated by participation in and successful completion of a CPR training course.

d. Foster Care.

Technical Assistance:

Documentation demonstrating the applicant and/or administrator's knowledge of the adult foster care administrative rules and requirements of Act 218. This could include confirmation of experience working in an adult foster care home.

e. Safety and fire prevention.

Technical Assistance:

Documentation from the applicant and administrator confirming competency training in emergency preparedness; e.g., knowledge of basic emergencies and disasters; knowledge of responsibilities during emergency situations; knowledge on how to develop an emergency preparedness plan; knowledge of what to do to help residents with special needs; knowledge of how to prevent and respond to common types of home fires (grease, careless smoking, etc.), is acceptable.

Training resources may include but are not limited to local fire departments, DCH, CMH, CIS Fire Safety/Emergency preparedness training, National Fire Protection/Prevention Association training courses.

f. Financial and administrative management.

Technical Assistance:

With regard to administrative management, the consultant can consider demonstrated ability on the part of the applicant based upon the successful operation of other licensed facilities and the ability of the applicant to follow through the application process in a timely and organized manner. Other management/supervisory experience and/or course work or training workshops in business management may be considered.

g. Knowledge of the needs of the population to be served.

Technical Assistance:

Documentation from the applicant and administrator confirming 1 year of experience working with the population identified in the home's admission policy and program statement, (see (6) of this rule), is acceptable.

h. Resident rights.

Technical Assistance:

In addition to reviewing the applicant's policies and procedures to determine compliance with resident rights, through interview the consultant is also to determine the applicant & administrator's competence regarding the requirements of Rule 400.14304(1)(2).

i. Prevention and containment of communicable diseases.

Technical Assistance:

Documentation from the applicant and administrator confirming completion of training in the prevention and containment of communicable diseases consistent with current OSHA guidelines on bloodborne pathogens is acceptable though not required. Acceptable course content should address such areas as: identification of situations where risk of exposure to bloodborne pathogens exist; the need to keep work and room surfaces clean, orderly and in a safe and sanitary condition; the purpose of universal precautions; precautions that should be taken to prevent HIV and HBV; and correct handwashing procedures.

Sources of training may include but are not limited to local health departments, American Red Cross, training by a licensed physician, registered nurse, hospitals, and DCH/CMH/CIS training in the subrule subject matter.

(4) An applicant and an administrator shall be deemed competent to operate a home upon successfully completing 1 or more of the following:

- (a) Training that is developed, approved, or provided by the department.**
- (b) A competency review that is developed by the department to be given to the applicant and administrator during the licensing process by the licensing agent.**
- (c) A program of study at an accredited college or university in areas relevant to the applicant's admission policy and program statement.**
- (d) Experience that is related to the direct care of residents in areas that are relevant to the populations which are identified in the home's admission policy and program statement.**

Technical Assistance:

The consultant is to determine compliance by obtaining documentation as to compliance with one or more subrules of this rule.

At this time, a formal competency review system (standardized test) has not been developed by the department.

(5) An administrator who is designated by the licensee after the promulgation of these rules shall meet the requirements of subrule (4) of this rule.

(6) A licensee and the administrator shall have a high school diploma or general education diploma or equivalent and not less than 1 year of experience working with the population identified in the home's program statement and admission policy.

Technical Assistance:

The licensee and the administrator are to provide documentation verifying they meet or exceed the education requirement.

One (1) year of experience is defined as not less than 2,000 hours of verified volunteer work or paid experience, the licensee and the administrator must have documentation; e.g., statement from the previous employer verifying that the individual possesses the experience required for the identified population; a performance evaluation from the previous employer regarding the individual's experience; verified volunteer and non-paid work experience working with dependent adults, etc.

(7) The provisions of subrule (6) of this rule shall not apply to those adult foster care licensees or administrators who are licensed, or applying to be licensed, before the promulgation of these rules.

Technical Assistance:

This is a provision that grandfathers adult foster care licensees or administrators from having to have a high school diploma or general education diploma or equivalent and not less than 1 year of experience working with the population identified in the home's program statement and admission policy if licensed or applying for a license before May 24, 1994. The date of the application to be used is the date the Department received (date stamped) the application. This also applies to persons licensed on or before May 24, 1994, who apply for original licensure subsequent to May 24, 1994.

The grandfather provision of this subrule applies to the individual and not to the facility. The intent of this rule requirement is to allow the grandfather provision granted to an administrator/licensee to be transferable to other adult foster care facilities serving the same population. See subrule (8) for further clarification.

(8) The provisions of subrule (6) of this rule shall not apply to an individual who is employed as an administrator of a home that was licensed before the promulgation of these rules.

Technical Assistance:

The licensee is to have documentation in the employee record of that individual who falls under the provisions of this rule that he/she was employed at that particular facility or another licensed adult foster care facility, in the capacity of an administrator at the time of new rule promulgation.

(9) A licensee and the administrator shall possess all of the following qualifications:

(a) Be suitable to meet the physical, emotional, social, and intellectual needs of each resident.

Technical Assistance

In accordance to Licensing Manual Item 525 - Determination of Good Moral Character - Policy and Procedures. the licensing consultant is to obtain a licensing record clearance on all of the following:

- a. The licensee/license applicant.
- b. The person identified by the license as the administrator.

Administrative Rule And Statutory Cross Reference

R400.14205 .15205

Licensing Manual Item 515 - Determination of Good Moral Character - Policy and Procedures.

Licensing Manual Item 525 - Verification of Licensee, Direct Care Staff, Administrator, Other Employees, Volunteers Under the Direction of the Licensee and Members of the Household - Freedom from Communicable Tuberculosis.

Sec 13 (3)(c) of P.A. 218

(b) Be capable of appropriately handling emergency situations.

Administrative Rule And Statutory Cross Reference

R400.14322, 15322

R400.14204 (2)(b), .15204 (2)(b)

(c) Be capable of assuring program planning, development, and implementation of services to residents consistent with the home's program

statement and in accordance with the resident's assessment plan and care agreement.

(10) All members of the household, employees, and those volunteers who are under the direction of the licensee shall be suitable to assure the welfare of residents.

Technical Assistance:

In accordance to Licensing Manual Item 525 - Determination of Good Moral Character - Policy and Procedures. the licensing consultant is to obtain a licensing record clearance on all non-employee adult members of the household.

The licensing consultant is to assure that a licensee has a process in place to determine the suitability (and good moral character) of those persons identified in this subrule and documentation that the process that has been followed is available in the facility's records.

Administrative Rule And Statutory Cross Reference

Licensing Manual Item 515 - Determination of Good Moral Character - Policy and Procedures.

Sec 13 (3)(e) of P.A. 218

(11) A licensee, direct care staff, and an administrator shall be willing to cooperate fully with a resident, the resident's family, a designated representative of the resident and the responsible agency.

(12) A licensee, direct care staff, administrator, or members of the household shall not be the legal guardian or conservator of a resident who lives in the home, except if a person is a relative of the resident or if the guardianship or conservatorship of the licensee existed before April 1, 1989, as specified in section 454 of Act No. 642 of the Public Acts of 1978, as amended, being {700.454 of the Michigan Compiled Laws.

(13) A licensee shall provide the department with the name of any employee, volunteer who is under the direction of the licensee, or member of the household who is on a court-supervised probation or parole or who has been convicted of a felony.

Administrative Rule And Statutory Cross Reference

R400.14201 (14) "SMALL GROUP ONLY"

(14) A home that is licensed for 7 or more residents shall have a minimum of 1 individual who is qualified by training, experience, and performance to be responsible for food preparation. Additional food service staff shall be employed as necessary to ensure regular and timely meals.

R 400.1420.15201 (14) "LARGE GROUP HOMES ONLY"

(14) A licensee shall employ at least 1 individual who is qualified by training, experience, and performance to be responsible for food preparation. Additional food service staff shall be employed as necessary to ensure regular and timely meals.

Technical Assistance:

In most cases the food preparation person should not be counted into the direct care staff to resident ratio. However, under certain circumstances, a person responsible for food preparation could be counted as a part of the staff to resident ratio if that person meets the qualifications of a direct care staff and the licensing consultant has determined that the care and supervision needs of the residents would not be jeopardized. Some factors that the consultant should take into account when making this determination include:

- a. The physical layout of the home.
- b. The location of the residents in the home at meal preparation and serving times.
- c. The number of residents in the home at meal times.
- d. The specific care needs of the residents.

A "Food Handler's Card" is not required by this rule. Licensees are to assure that a person responsible for food preparation has experience and training that will enable them to carry out their duties. Training on basic sanitation and food preparation can be provided by the licensee or through outside sources. A source of information for licensees who wish to train staff themselves is the federal Department of Agriculture's pamphlet, "Quick Consumer Guide To Safe Food Handling." "

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

**R 400.14202 Administrator; qualifications
.15202**

Rule 202. (1) A home shall have an administrator who shall not have less than 1 year of experience working with persons who are mentally ill, developmentally disabled, physically handicapped, or aged.

Administrative Rule And Statutory Cross Reference

R 400.14 206(5), .15206(5)
R 400.14201 .15201

(2) A licensee who meets the qualifications of an administrator may serve as an administrator.

Administrative Rule And Statutory Cross Reference

R 400.14102(b) .15102(b)

AFC Administrative Rule

**R 400.14203 Licensee and administrator training requirements
.15203**

Rule 203 (1) A licensee and an administrator shall complete the following educational requirements specified in subdivision (a) or (b) of this subrule, or a combination thereof, on an annual basis:

(a) Participate in, and successfully complete, 16 hours of training designated or approved by the department that is relevant to the licensee's admission policy and program statement.

(b) Have completed 6 credit hours at an accredited college or university in an area that is relevant to the licensee's admission policy and program statement as approved by the department.

Technical Assistance:

Each individual named on the license (not a corporation) must meet the annual training requirement. Corporate licensees may designate the individual or individuals who collectively will meet the licensee's training obligation.

(2) The department may prescribe additional training if substantial noncompliance with the act or these rules is evident.

AFC Administrative Rule

**R 400.14204 Direct care staff; qualifications and training
.15204**

Technical Assistance:

It is permissible to use temporary staff from an employment agency. However, if temporary staff are used in the capacity of employees, the licensee must comply with all employee related rules.

Rule 204. (1) Direct care staff shall not be less than 18 years of age and shall be able to complete required reports and follow written and oral instructions that are related to the care and supervision of residents.

(2) Direct care staff shall possess all of the following qualifications:

(a) Be suitable to meet the physical, emotional, intellectual, and social needs of each resident.

(b) Be capable of appropriately handling emergency situations.

(3) A licensee or administrator shall provide in-service training or make training available through other sources to direct care staff. Direct care staff shall be competent before performing assigned tasks, which shall include being competent in all of the following areas:

Technical Assistance:

Training can be provided by the licensee or administrator, and may utilize relevant training videos or other training resources. Exception is CPR. See the Technical Assistance under (c) Cardiopulmonary resuscitation. The licensee must have a method to assure competency. The licensee is, required to maintain written verification of completed training in the required areas of competence in each employee record. See Rule 400.14208 (.15208).

Newly hired direct care staff may job shadow a fully trained direct care staff person for on the job training purposes, as long as the fully trained direct care staff person is responsible for the assigned direct care tasks and the untrained staff person is never left alone with residents.

Staff not performing direct care staff responsibilities, are not required to be competent in areas of direct care.

(a) Reporting requirements.

Technical Assistance:

All training provided or made available by the licensee or administrator to direct care staff related to reporting requirements must minimally address the following:

Public Act 519 of 1982, as amended, the Adult Protective Services Act.

Public Act 238 of 1975, as amended, the Child Protective Services Act, when minor children are in adult foster care per Section 36 or 37 of Public Act 218 of 1979, as amended, the Adult Foster Care Facility Licensing Act. Section 36 pertains to the concurrent licensure of an adult foster care family home as a foster family home or foster family group home for children. Section 37 pertains to the concurrent licensure of an adult foster care small group home as a child caring institution.

Public Act 116 of 1973, as amended, the Child Care Organization Act, as it applies to Sections 111a and 115(6). Section 111a pertains to the concurrent licensure of a foster family home or foster family group home as an adult foster care family home or concurrent licensure of a child caring institution as an adult foster care small group home. Section 115(6) pertains to the placement of a 16 or 17 year old in an adult foster care family home or adult foster care small group home provided certain conditions are in place.

The provisions contained in R400.14(15)311 as it related to the reporting procedures to be followed regarding incidents, accidents, illnesses, absences, and death.

The provisions contained in R400.14(15)312 related to medications.

The provisions contained in R400.14(15)403(15) related to the reporting of property damage.

(b) First aid.

Technical Assistance:

Documentation is to be maintained by the licensee confirming that each direct care staff has completed training in basic first aid covering such areas as:

emergency aid for someone who is choking, bleeding, or in shock, treating burns, bites, stings, trauma to eye, ear, or nose, aid for treatment for fractures, strokes, seizures, accidental drug overdose and poisonings, hypothermia and hyperthermia, and treatment for emergencies associated with diabetes.

Acceptable sources of training includes but is not limited to videos, local public health departments, hospitals, the American Red Cross, a licensed physician, registered nurse (R.N.), licensed practical nurse (L.P.N.), emergency medical technician (E.M.T.), or physician's assistant.

(c) Cardiopulmonary resuscitation.

Technical Assistance:

Competency in CPR is demonstrated by participation in and successful completion of a CPR training course

(d) Personal care, supervision, and protection.

Technical Assistance:

The consultant is to determine that the licensee has a training methodology in place that assures that all direct care staff are competent in providing the personal care, supervision and protection as identified in the facility's program statement and admission/discharge policy as well as the individual assessment plans, health care appraisals and resident care agreements.

(e) Resident rights.

Technical Assistance:

The consultant is to determine that the licensee's direct care staff training addresses resident rights as contained under Rule 400.14304 (15), Rule 400.15304 (15).

(f) Safety and fire prevention.

Technical Assistance:

The consultant is to determine that the licensee has a training methodology that assures direct care staff competency in the area of safety and fire prevention appropriate to the needs of the current resident population identified in the facility's program statement and admission policy. The training provided to staff should minimally address knowledge of basic emergencies, including medical,

weather emergencies, and disasters; knowledge of responsibilities during emergency situations; knowledge of the facility's emergency plan; knowledge of what to do to assist residents with special needs, knowledge on how to prevent and respond to common types of home fires, and knowledge of the proper operation of the smoke detection system.

Administrative Rule And Statutory Cross Reference

R400.14318, (.15318)

R 400.14505, (.15505)

R 400.14506, (.15506)

(g) Prevention and containment of communicable diseases.

Technical Assistance:

The consultant is to determine that the licensee has a training methodology to assure that direct care staff are competent in prevention and containment of communicable diseases consistent with current OSHA guidelines on blood-borne pathogens. The training should address such areas as identification of situations where risk of exposure to blood-borne pathogens exist, recognize the need to keep work and room surfaces clean, orderly and in a safe and sanitary condition; know the purpose of universal precautions; know what precautions should be taken to prevent HIV and HBV; and knowledge of correct hand-washing procedure.

Acceptable sources of training may include but are not limited to, local health departments, American Red Cross, training by a licensed physician, registered nurse, hospitals, DCH/CMH/CIS training and training provided by the licensee utilizing appropriately related materials.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

**R 400.14205 Health of a licensee, direct care staff, administrator, ...
.15205**

Rule 205. (1) A licensee, direct care staff, administrator, other employees, those volunteers under the direction of the licensee, and members of the household shall be in such physical and mental health so as not to negatively affect either the health of the resident or the quality of his or her care.

(2) A licensee shall have, on file with the department, a statement that is signed by a licensed physician or his or her designee attesting to the physician's knowledge of the physical health of the licensee and administrator. The statement shall be signed within 6 months before the issuance of a temporary license and at any other time requested by the department.

(3) A licensee shall maintain, in the home, and make available for department review, a statement that is signed by a licensed physician or his or her designee attesting to the physician's knowledge of the physical health of direct care staff, other employees, and members of the household. The statement shall be obtained within 30 days of an individual's employment, assumption of duties, or occupancy in the home.

(4) A licensee shall provide the department with written evidence that he or she and the administrator have been tested for communicable tuberculosis and that if the disease is present, appropriate precautions shall be taken. The results of subsequent testing shall be verified every 3 years thereafter.

Technical Assistance:

For purposes of clarification, "appropriate precautions" means the course of treatment to be taken in accordance with public health requirements. The licensee is to submit written documentation of the course of treatment to be followed and verification that the treatment is being implemented, and/or has been completed. The consultant may contact the local health authority for follow-up purposes.

(5) A licensee shall obtain written evidence, which shall be available for department review, that each direct care staff, other employees and members of the household have been tested for communicable tuberculosis and that if the disease is present, appropriate precautions shall be taken as required by state law. Current testing shall be obtained before an individual's employment, assumption of duties, or occupancy in the home. The results of subsequent testing shall be verified every 3 years thereafter or more frequently if necessary.

Technical Assistance:

The consultant is to establish the date of the testing and the individual's date of employment to determine compliance with this rule.

The licensee is responsible for maintaining and assuring that "appropriate precautions" as required by public health, regarding the course of treatment to be taken, are being followed.

(6) A licensee shall annually review the health status of the administrator, direct care staff, other employees and members of the household. Verification of annual reviews shall be maintained by the home and shall be available for department review.

Technical Assistance:

The consultant is to determine that the licensee has a procedure for reviewing the annual health status of the persons identified in the rule.

The licensee's review criteria should minimally include a review to assure continual physical and mental health of the person is maintained so as to not negatively affect either the health or quality of care of residents.

Administrative Rule and Statutory Cross Reference

R400.14205(1), .15205(1)

(7) A licensee shall obtain certification from a volunteer that the volunteer is free from communicable disease and that the volunteer's physical and mental health will not negatively affect either the health of the resident or the quality of the resident's care.

Technical Assistance:

Minimally, a copy of a statement signed by the volunteer certifying that he/she is free from communicable disease and that he/she does not have any physical or mental health problems that would negatively affect the health or quality of a resident's care, is to be available.

Administrative Rule And Statutory Cross Reference

Sec 13 (3)(d) of P.A. 218
Manual Item 525 – "Obtaining Health and TB Testing Results from Applicants/Licensees."

AFC Administrative Rule

R 400.14206 Staffing requirements

AFC SMALL GROUP HOMES ONLY

Rule 206. (1) The ratio of direct care staff to residents shall be adequate as determined by the department, to carry out the responsibilities defined in the act and in these rules and shall not be less than 1 direct care staff to 12 residents and children who are under the age of 12 years.

AFC LARGE GROUP HOMES ONLY

Rule 206. (1) The ratio of direct care staff to residents shall be adequate as determined by the department, to carry out the responsibilities defined in the act and in these rules and shall not be less than 1 direct care staff to 15 residents during waking hours or less than 1 direct care staff member to 20 residents during normal sleeping hours.

Technical Assistance

A private pay resident or the resident's designated representative may hire a home health aide to provide some personal care services. The home health aide can not however, be counted when determining the adequacy of on duty direct care staff that are required in the home in order to provide the services specified by the home's resident assessments and resident care agreements, nor in determining the minimally required resident to staff ratio.

R 400.15206 Staffing requirements

(2) A licensee shall have sufficient direct care staff on duty at all times for the supervision, personal care, and protection of residents and to provide the services specified in the resident's resident care agreement and assessment plan.

Technical Assistance

For purposes of this rule "Sufficient direct care staff" is defined to mean the number of staff necessary to implement the care needs as indicated in the resident's assessment plan, health care appraisal, and resident care agreement.

To assist the consultant in determining whether the ratio of direct care staff is sufficient, the licensing consultant is to review the following in addition to interview and observation of staff and residents:

1. Program statement
2. Admission policy
3. Employee job descriptions
4. Staffing patterns
5. Current/past employee work schedules
6. Resident assessment plans
7. Resident care agreements
8. Resident health appraisals
9. Resident register
10. Fire drill records
11. Evacuation plans
12. Medication procedures, if applicable
13. Other relevant documents

When reviewing these documents, the consultant is to look at the individual and total care needs of the population to be served; e.g., how many residents have impaired mobility, maladaptive behaviors, specialized personal care need?

Do not attempt to determine how many additional staff persons are necessary to meet the "sufficient staff" requirement. The facility is responsible for providing individuals with needed services; how they meet that responsibility is up to the facility, not the consultant.

The consultant should also review whether other assigned job responsibilities interfere with the provision of direct care services.

(3) Any individual, including a volunteer, shall not be considered in determining the ratio of direct care staff to residents unless the individual meets the qualifications of a direct care staff member.

Technical Assistance

Volunteers may provide supplementary services. The facility may not rely on volunteers to fill required staff positions and perform direct care staff responsibilities, unless they meet direct care staff qualifications.

Residents shall not be used as "volunteers" to provide resident care services.

Administrative Rule and Statutory Cross Reference

R400.14204 (1), (2), (3); .15204

(4) Direct care staff need not be in the home during the day if all of the residents of the home are at out-of-home supervised activities and the home has provided the

means by which a direct care staff member or administrator can be contacted in an emergency situation.

Technical Assistance

An adult foster care home sending all of the residents to out-of-home supervised activities for a majority of the day, need not provide direct care staff in the home during their absence. However, sufficient direct care staff must be on the premises, if even one resident is present. To determine compliance, the consultant is to review the licensee's procedures regarding availability in an emergency situation.

(5) A licensee or administrator shall designate, in writing, a person who shall be on-site or immediately available and who shall have the authority to carry out the licensee's or administrator's responsibilities in the absence of the licensee or administrator and shall ensure that the identity of the designated person is made known to all staff.

Technical Assistance

At the time of application and at renewal the consultant is to review the licensee's procedure for carrying out licensee/administrator responsibilities when either are absent.

The focus of this rule is to provide a chain of command in the absence of the licensee or administrator and to assure that a designated person has the authority to act for the home's administrator or licensee in their absence. Extended periods of absence may require that the person designated meet all of the requirements of the position.

If the designated person also provides direct care services to residents, the person must meet all the requirements of direct care staff. If the person designated is to respond to emergencies the person needs to be competent to do so appropriately. If they are making decisions of an administrator regarding program planning, development or implementation, they must be competent to do so.

Questions the consultant may ask include:

1. Who will have the responsibility for carrying out the daily operation of the home and are they competent to perform that function.
2. What are the qualifications of the designated individual?
3. Have staff been advised as to the identity of this individual and do they know how to contact this person?

AFC Administrative Rule

**R 400.14207 Required personnel policies
.15207**

All of the elements identified in this rule must be present in writing in the personnel policy, and be provided to all staff. The consultant is to review the personnel policies to determine that the minimal components identified in subrule (1)(a) - (f) are included. In addition, the consultant is to determine that the personnel policies are not in conflict with the Act and the rules.

Administrative Rule and Statutory Reference

R400.14208 (1)(i), .15208

Rule 207. (1) A licensee shall have written policies and procedures that include all of the following:

(a) Mandatory reporting, including reporting that is required by law.

(b) Resident care related prohibited practices.

Technical Assistance

Resident care related prohibited practices include all practices identified in:

R400.14307, .15307

R400.14308, .15308

R400.14315 (9) (14), .15315 (9) (14)

(c) Confidentiality requirements, including requirements specified in law.

Technical Assistance

The mandatory reporting and confidentiality requirements that a licensee is to include in written policies and procedures are to be consistent with the provisions outlined in Section 12(3) of Act 218, P.A. of 1979, as amended, the Adult Foster Care Facility Licensing Act, and any other state statutes mandating specific confidentiality requirements.

(d) Training requirements.

Administrative Rule and Statutory Cross Reference

R400.14204, .15204

(e) Resident rights.

Technical Assistance

This refers to the resident rights outlined in R400.14304 (.15304).

(f) The process for reviewing the licensing statute and administrative rules.

Technical Assistance

The intent of (f) is that the licensee have a written policy and procedure for reviewing with their employees Act 218 and the AFC administrative rules.

(2) The written policies and procedures identified in subrule (1) of this rule shall be given to employees and volunteers at the time of appointment. A verification of receipt of the policies and procedures shall be maintained in the personnel records.

(3) A licensee shall have a written job description for each position. The job description shall define the tasks, duties, and responsibilities of the position. Each employee and volunteer who is under the direction of the licensee shall receive a copy of his or her job description. Verification of receipt of a job description shall be maintained in the individual's personnel record.

(4) Work assignments shall be consistent with job descriptions and the level of training, experience, and education of the employee or volunteer.

Technical Assistance

The licensing consultant is to review the job descriptions and verification of receipt of the job descriptions. The consultant may also ask the employee(s) to explain their job responsibilities and whether they have received a copy of that job description. The consultant should then compare what has been observed and/or described to the written job descriptions available and then determine whether the job description is consistent with the described or observed staff assignments. The consultant is to review personnel records for documentation that staff have the appropriate level of training and education to carry out their duties.

Administrative Rule and Statutory Cross Reference

R400.14208 (1)(i), .15208

AFC Administrative Rule

**R 400.14208 Direct care staff and employee records
.15208**

Rule 208. (1) A licensee shall maintain a record for each employee. The record shall contain all of the following employee information:

- (a) Name, address, telephone number, and social security number.**
- (b) The professional or vocational license, certification, or registration number, if applicable.**
- (c) A copy of the employee's driver license if a direct care staff member or employee provides transportation to residents.**
- (d) Verification of the age requirement.**
- (e) Verification of experience, education, and training.**
- (f) Verification of reference checks.**

Technical Assistance

Documentation of at least 2 reference checks is to be maintained in each employee file.

- (g) Beginning and ending dates of employment.**
- (h) Medical information, as required.**
- (i) Required verification of the receipt of personnel policies and job descriptions.**

Technical Assistance

Employee records must be made available for review at the facility at the time of an announced investigation. If an unannounced investigation is conducted and records are not available, the licensee is to make the records available to the consultant.

Administrative Rule and Statutory Cross Reference

Section 12 (2) of Act 218, P.A. of 1979 as amended

(2) The records identified in subrule (1) of this rule shall be maintained for not less than 3 years after the direct care staff member's or employee's ending date of employment.

Technical Assistance

This rule provides the consultant the authority to review the records of past employees in determining compliance to subrule (1) of this rule and Act 218.

(3) A licensee shall maintain a daily schedule of advance work assignments, which shall be kept for 90 days. The schedule shall include all of the following information:

- (a) Names of all staff on duty and those volunteers who are under the direction of the licensee.**
- (b) Job titles.**
- (c) Hours or shifts worked.**
- (d) Date of schedule.**
- (e) Any scheduling changes.**

Administrative Rule And Statutory Cross Reference

R400.14204 (1), .15204 (1)

AFC Administrative Rule**R 400.14209 Home records, generally
.15209****Administrative Rule and Statutory Cross Reference**

Section 12 (2) of Act 218, P.A. of 1979, as amended.

Rule 209. (1) A licensee shall keep, maintain, and make available for department review, all the following home records:

- (a) Admission policy.**
- (b) Program statement.**
- (c) Discharge policy.**
- (d) Resident records.**
- (e) A resident register.**
- (f) Resident care contracts, if applicable.**
- (g) Accident records and incident reports.**
- (h) Personnel records, as required in R 400.14208.**

Technical Assistance

Personnel records may be kept in a location outside the facility. These records must, however, be made available at the facility at the time of an announced investigation. If an unannounced investigation is conducted and those records are not available, the licensee is to make those records available to the licensing consultant. This does not include work schedules which need to be kept at the facility at all times for staff.

- (i) Personnel policies and procedures as required in R 400.14207.**
- (j) Program certifications, if applicable.**
- (k) Fire drill records.**
- (l) Emergency preparedness plans.**
- (m) Reports of fire or severe property damage.**
- (n) Records of variances granted, if applicable.**
- (o) Heating equipment inspection and approval records, if applicable.**
- (p) Fire detection and sprinkler equipment inspection and approval records, if applicable.**
- (q) Electrical inspection records, if applicable.**
- (r) Fire safety reports from the department or the state fire marshal, as required by law.**
- (s) Environmental inspection reports, as required by law.**
- (t) Menus.**

Administrative Rule And Statutory Cross Reference

R400.14102 (c), (i)(r), R400.14103, R400.14206 (5), R400.14207, R400.14208, R400.14210, R400.14301, R400.14302, R400.14310, R400.14311, R400.14312, R400.14313, R400.14316, R400.14318, R400.14401

Licensing Manual Item 550 – Exemptions/Variances/Waivers

(2) A licensee shall keep a record of the arrangements for services for the emergency repair of heating, cooling, plumbing, and electrical equipment. The record shall include a list of persons to contact and shall be available for reference in the home.

Technical Assistance

The intent of this rule is to ensure that persons who are responsible for resident care, have the ability and authority to handle emergency situations in the licensee's absence.

The consultant is to review the record of the items identified in this subrule and verify that this information is current. The consultant is also to determine that employees know where and how to access this information. This may be done verbally through interview and/or observation.

Administrative Rule And Statutory Cross Reference

R400.14206 (5), .15206 (5)

AFC Administrative Rule

**R 400.14210 Resident register
.15210**

Rule 210. A licensee shall maintain a chronological register of residents who are admitted to the home. The register shall include all of the following information for each resident:

- (a) Date of admission.**
- (b) Date of discharge.**
- (c) Place and address to which the resident moved, if known.**

Technical Assistance

“A chronological register” means the licensee is to maintain a record/list of all past and current AFC residents of the home, which is to be available for consultant review. This permanent, chronological record is to be kept as long as the facility is licensed.

Administrative Rule And Statutory Cross Reference

R400.14105

AFC Administrative Rule

R400.14301 Resident admission criteria; resident assessment plan.

Rule 301. (1) A licensee shall not accept, retain, or care for a resident who requires continuous nursing care. This does not preclude the accommodation of a resident who becomes temporarily ill while in the home, but who does not require continuous nursing care.

Continuous nursing care is defined as requiring a nurse's presence at all times to provide ongoing nursing assessments, judgments and/or interventions. This does not preclude the provision of licensed hospice care.

Administrative Rule And Statutory Cross Reference

R400.14103
.15103
R400.14301(1), Sec. 3(4)
.15301(1), Sec. 3(4)
R400.14302
.15302
R400.14206
.15206
MCL 400.726a(1)
MCL 333.7201(a)(c)

(2) A licensee shall not accept or retain a resident for care unless and until the licensee has completed a written assessment of the resident and determined that the resident is suitable pursuant to all of the following provisions:

The actual written assessment may be filled out by someone other than the licensee or his/her designee. By signing and dating this form the licensee or his/her designee acknowledges that each of the rule elements regarding acceptance of the resident have been met and the assessment has therefore been "completed".

The consultant is to review the resident assessment plans, accident/incident reports and other records maintained by the licensee regarding the residents of the home to determine if the resident is suitable to the home.

(a) The amount of personal care, supervision, and protection that is required by the resident is available in the home.

(b) The kinds of services, skills, and physical accommodations that are required of the home to meet the resident's needs are available in the home.

(c) The resident appears to be compatible with other residents and members of the household.

(3) A group home shall not accept or retain a person who requires isolation or restraint as specified in R 400.15308.

Administrative Rule And Statutory Cross Reference

R400.14210	R400.15210
R400.14301	R400.15301
R400.14310	R400.15310
R400.14312	R400.15312

(4) At the time of admission, and at least annually, a written assessment plan shall be completed with the resident or the resident's designated representative, the responsible agency, if applicable, and the licensee. A licensee shall maintain a copy of the resident's written assessment plan on file in the home.

Technical Assistance

This subrule addresses the requirement for the development of an individual assessment plan for a resident. The consultant is to review the written assessment plan for the date of admission, the person and/or agencies responsible for the development of the assessment plan and that it reflects the current needs of the resident.

The written assessment plan should also address any exceptions to resident rights allowable as provided under R 400.14304 (1) (k), (.15304)(1) (k).

The written assessment plan is to reflect the current status of the resident and is to be reviewed and updated as necessary to achieve this, but not less often than annually. Regardless of the format, plans must address/contain all components identified in the definition of an "Assessment Plan." The written assessment plan is to be signed and dated by the licensee, resident or resident's designated representative and the responsible agency (if any). Note: If the responsible agency refuses to sign the resident's written assessment plan this needs to be noted on that plan.

Assessment plans are to be reviewed for rule compliance by the consultant during the renewal inspection of the facility.

If the assessment plan does not meet the aforementioned compliance criteria and the problem is not readily correctable, the licensing consultant is to refer to his/her AFC Area Manager for appropriate action.

Administrative Rule And Statutory Cross Reference

R400.14102 (1)(d) - Definition of "Assessment plan"
.15102 (1)(d)

(5) If a resident is referred for emergency admission and the licensee agrees to accept the resident, a written assessment plan shall be completed within 15 calendar days after the emergency admission. The written assessment shall be completed in accordance with the provisions specified in subrules (2) and (4) of this rule.

Technical Assistance

"Emergency admissions" are those admissions where a resident requires immediate placement into an AFC without the advantage of comprehensive pre-placement planning. The licensee must complete an initial written assessment of the resident at the time of the emergency admission to ensure that the resident meets the admission criteria before the admission is accepted. The reason for the emergency admission is to be contained in the resident's assessment plan when completed.

(6) At the time of a resident's admission, a licensee shall complete a written resident care agreement. A resident care agreement is the document which is established between the resident or the resident's designated representative, the responsible agency, if applicable, and the licensee and which specifies the responsibilities of each party. A resident care agreement shall include all of the following:

(a) An agreement to provide care, supervision, and protection, and to assure transportation services to the resident as indicated in the resident's written assessment plan and health care appraisal.

(b) A description of services to be provided and the fee for the service.

(c) A description of additional costs in addition to the basic fee that is charged.

(d) A description of the transportation services that are provided for the basic fee that is charged and the transportation services that are provided at an extra cost.

(e) An agreement by the resident or the resident's designated representative or responsible agency to provide necessary intake information to the licensee, including health-related information at the time of admission.

(f) An agreement by the resident or the resident's designated representative to provide a current health care appraisal as required by subrule (10) of this rule.

(g) An agreement by the resident to follow the house rules that are provided to him or her.

(h) An agreement by the licensee to respect and safeguard the resident's rights and to provide a written copy of these rights to the resident.

(i) An agreement between the licensee and the resident or the resident's designated representative to follow the home's discharge policy and procedures.

(j) A statement of the home's refund policy. The home's refund policy shall meet the requirements of R 400.14315.

(k) A description of how a resident's funds and valuables will be handled and how the incidental needs of the resident will be met.

(l) A statement by the licensee that the home is licensed by the department to provide foster care to adults.

Technical Assistance

The consultant is to review each resident care agreement to determine whether the agreement was completed at the time of the resident's admission. Resident care agreements must contain all the required signatures, dates, and required information as outlined in these subrules.

Note: If the responsible agency refuses to sign the Resident Care Agreement this needs to be noted on the Resident Care Agreement. (11/15/95)

A resident care agreement and a contract between a licensee and contracting agency are two separate and distinct contracts, each with its own purpose and function. A resident care agreement is a contract between the resident or resident's designated representative, the licensee, and the responsible agency, if any, and details the responsibilities of each. The programmatic needs of each individual resident, as indicated in the resident's written assessment plan, must be detailed relative to the care and services to be provided by the licensee.

A contract between a licensee and a contracting agency (e.g., DCH, CMH, VA, etc.) is between these two entities. Such a contract may specify general program responsibilities of the licensee to the contract agency, but is not specific to the needs of any individual resident, as indicated in the resident's written assessment

plan, and addressed in the resident care agreement, and **may not serve as a substitute for or in place of a resident care agreement.** (2/1/95)

Administrative Rule And Statutory Cross Reference

R400.14210

.15210

R400.14314(6)

.15314(6)

(7) A department resident care agreement form shall be used unless prior authorization for a substitute form has been granted, in writing, by the department. A resident shall be provided the care and services as stated in the written resident care agreement.

Technical Assistance

If a licensee wishes to use an alternative to the department's resident care agreement, the alternative form must be submitted to the consultant for review. The consultant is to use OCAL 3266A "Authorization for a Substitute to AFC Resident Care Agreement" available on the Division Intranet and S:\BFS\BFS\AFC\Forms, to determine if the alternative meets the rule requirement. The instructions on the form are to be followed. The substitute form approval/disapproval is to be maintained in the facility file and shared with other area managers where the licensee has other facilities located.

(8) A copy of the signed resident care agreement shall be provided to the resident or the resident's designated representative. A copy of the resident care agreement shall be maintained in the resident's record.

Technical Assistance

The consultant is to review the resident record to determine that a resident care agreement has been completed.

(9) A licensee shall review the written resident care agreement with the resident or the resident's designated representative and responsible agency, if applicable, at least annually or more often if necessary.

Technical Assistance

The consultant is to review the annual review date and signatures of the resident care agreement. The resident care agreement is to be updated whenever there is a change in the home's policies and procedures, services provided or fees charged. At the time of annual review, the licensee is to provide the resident and/or

designated representative a copy of any agreed upon changes to the agreement or a copy of a newly completed resident care agreement.

(10) At the time of the resident's admission to the home, a licensee shall require that the resident or the resident's designated representative provide a written health care appraisal that is completed within the 90-day period before the resident's admission to the home. A written health care appraisal shall be completed at least annually. If a written health care appraisal is not available at the time of an emergency admission, a licensee shall require that the appraisal be obtained not later than 30 days after admission. A department health care appraisal form shall be used unless prior authorization for a substitute form has been granted, in writing, by the department.

Technical Assistance

The consultant is to review the date of admission on the resident register and compare it to the date of the health care appraisal to determine compliance with the time requirements.

If the licensee wishes to use an alternative to the department's resident care agreement, the alternative form must be submitted to the consultant for review and approval for compliance with subrule (10).

The consultant is to use OCAL 3947A "Authorization for a Substitute to AFC Health Care Appraisal" available on the Division Intranet and S:\BFS\BFS AFC\Forms, to determine if the alternative meets the rule requirements. The instructions contained on the form are to be followed. The substitute form approval/disapproval is to be maintained in the facility file and shared with other area managers where the licensee has other facilities located.

At the time of admission, a medical discharge summary signed by an appropriate health care professional; i.e., is acceptable in lieu of the BRS-3947. However, the medical discharge summary must contain all the health care information that is required in the BRS-3947 Health Care Appraisal. If the discharge summary is missing any required medical care information, the licensee or his/her designee is to contact the resident's physician/health care professional within 5 days of placement in order to obtain the missing information.

Administrative Rule And Statutory Cross Reference

R400.14102(1)(j)

.15102(1)(j)

R400.14210

.15210

(11) A licensee shall contact a resident's physician for instructions as to the care of the resident if the resident requires the care of a physician while living in the home. A licensee shall record, in the resident's record, any instructions for the care of the resident.

AFC Administrative Rule

R 400.14302 Resident admission and discharge policy; house rules, emergency discharge.

.15302

Rule 302. (1) A home shall have a written admission and discharge policy. The policy shall be made available to a resident and his or her designated representative.

Technical Assistance

The consultant is to review the home's admission and discharge policy to assure it is the same as that contained in the licensing file and that it does not conflict with any administrative rules. The licensee is to have a copy(ies) of the admission and discharge policy available upon request.

Administrative Rule And Statutory Cross Reference

R400.14102 (1), (c,)(i); .15102 (1), (c),(i)

(2) A licensee may establish house rules. House rules, if established, shall be provided, in writing, to the resident or the resident's designated representative and responsible agency upon admission to the home or, if established after a resident's admission to the home, immediately thereafter. House rules shall not conflict with these rules.

Technical Assistance

The consultant is to interview the licensee to determine if the licensee has house rules. The consultant is to review the house rules to assure they are not in conflict with the administrative rules.

If the licensee has expectations for the resident's conduct in the home, those expectations must be in writing and provided to the resident and/or designated representative and responsible agency.

Administrative Rule And Statutory Cross Reference

R400.14102(l) .15102(1)

R400.14301 .15301

(3) A licensee shall provide a resident and his or her designated representative with a 30-day written notice before discharge from the home. The written notice shall state the reasons for discharge. A copy of the written notice shall be sent to the resident's designated representative and responsible agency. The provisions of this subrule do not preclude a licensee from providing other legal notice as required by law.

Technical Assistance

This rule does not preclude a licensee from beginning formal eviction procedures.

Best Practice

Though not required, the licensee should keep a copy of the written notice of discharge in the home's record.

(4) A licensee may discharge a resident before the 30-day notice when the licensee has determined and documented that any of the following exists:

- (a) Substantial risk to the resident due to the inability of the home to meet the resident's needs or assure the safety and well-being of other residents of the home.**
- (b) Substantial risk, or an occurrence, of self-destructive behavior.**
- (c) Substantial risk, or an occurrence, of serious physical assault.**
- (d) Substantial risk, or an occurrence, of the destruction of property.**

Technical Assistance

The intent of this rule is to allow a licensee to discharge a resident before the 30 day notice if the conditions outlined in this subrule have been met. Furthermore, the intent is to ensure the safety and protection of other residents in the home.

Administrative Rule And Statutory Cross Reference

R400.14102(1)(y)
.15102(1)(y)

(5) A licensee who proposes to discharge a resident for any of the reasons listed in subrule (4) of this rule shall take the following steps before discharging the resident:

(a) The licensee shall notify the resident, the resident's designated representative, the responsible agency, and the adult foster care licensing consultant not less than 24 hours before discharge. The notice shall be in writing and shall include all of the following information:

(i) The reason for the proposed discharge, including the specific nature of the substantial risk.

(ii) The alternatives to discharge that have been attempted by the licensee.

(iii) The location to which the resident will be discharged, if known.

Technical Assistance

At the time of receipt of the discharge notice or during a complaint investigation related to this rule, the consultant is to review a random sampling of the records of residents who have been discharged to determine that the requirements outlined in this subrule have been followed. Written notice for discharge is to be mailed to the consultant not less than 24 hours before discharge. Postmark of written notice may be used to determine compliance.

Best Practice

Though not required, a copy of the notice for discharge should be maintained in the resident record.

(b) The licensee shall confer with the responsible agency or, if the resident does not have a responsible agency, with adult protective services and the local community mental health emergency response services regarding the proposed discharge. If the responsible agency or, if the resident does not have a responsible agency, adult protective services does not agree with the licensee that emergency discharge is justified, the resident shall not be discharged from the home. If the responsible agency or, if the resident does not have a responsible agency, adult protective services agrees that the emergency discharge is justified, then all of the following provisions shall apply:

(i) The resident shall not be discharged until an appropriate setting that meets the resident's immediate needs is located.

(ii) The resident shall have the right to file a complaint with the department.

(iii) If the department finds that the resident was improperly discharged, the resident shall have the right to elect to return to the first available bed in the licensee's adult foster care home.

Technical Assistance

The consultant is to review documentation regarding a resident's discharge to determine that the procedures for discharge outlined in this rule have been followed.

(6) A licensee shall not change the residency of a resident from one home to another without the written approval of the resident or the resident's designated representative and responsible agency.

Technical Assistance

The consultant is to ask the licensee whether any resident has been moved to another AFC home. If a resident has been moved, the consultant is to review the resident record to verify written approval from the resident or designated representative and responsible agency. The consultant needs to be particularly observant of moves between facilities that are located on the same piece of property but have separate licenses.

(7) A licensee shall not restrict the resident's ability to make his or her own living arrangements.

Administrative Rule And Statutory Cross Reference

R400.14304 (1)(b)
.15304(1)(b)

(8) At the time of discharge, a licensee shall provide copies of resident records to the resident and his or her designated representative when requested, and as determined appropriate, by the resident or his or her designated representative. A fee that is charged for copies of resident records shall not be more than the cost to the licensee of making the copies available.

Administrative Rule And Statutory Cross Reference

Section 12(3) of Act 218 of 1979 as amended, pertaining to confidentiality of resident records which are required to be kept by an AFC.

AFC Administrative Rule

**R 400.14303 Resident care; licensee responsibilities
.15303**

Rule 303. (1) Care and services that are provided to a resident by the home shall be designed to maintain and improve a resident's physical and intellectual functioning and independence. A licensee shall ensure that all interactions with residents promote and encourage cooperation, self-esteem, self-direction, independence, and normalization.

Administrative Rule And Statutory Cross Reference

R400.14103 (1)
.15103 (1)

(2) A licensee shall provide supervision, protection, and personal care as defined in the act and as specified in the resident's written assessment plan.

Technical Assistance

A licensee providing adult foster care to a resident **who is enrolled** in a licensed hospice program and whose Hospice Service Plan includes a do-not-resuscitate order is considered to be providing protection to the resident if, in the event the resident suffers a serious adverse change in his/her medical condition such as cessation of both spontaneous respiration and circulation, the licensee immediately contacts the licensed hospice program.

Note: The Hospice Service Plan is to be included as an addendum to the resident's assessment plan and is to be maintained with the assessment plan in the resident's record.

If the licensing consultant has any question as to whether a hospice program is licensed in the state of Michigan he/she is to refer to the Hospice Directory Report as compiled by the Department of Labor and Economic Growth's Bureau of Health Systems.

For residents **not enrolled** in a licensed hospice program, adult foster care licensing consultants are to instruct licensees that honoring a "no resuscitation/no code" or similar request to withhold medical care from a resident is in violation of the adult foster care licensing statute and the administrative rules. If a licensee or his/her employee(s) is approached by a resident or a family member of a resident with such a request, the licensee is to inform the resident or his/her designated representative that an AFC licensee lacks the medical authority to honor a "no resuscitation/no code" request and

that they are required to immediately seek medication care when there is a sudden or adverse change in a resident's condition. However, when emergency medical personnel arrive the licensee is to provide them with the resident's written request along with all other pertinent medical information.

Administrative Rule And Statutory Cross Reference

Sec. 400.706 (1), (4) and Sec. 400.707 (7) (a-d)

Sec. 400.726a (1), (2), P.A. 218

R400.14310 (4); .15310 (4)

(3) A licensee shall assure the availability of transportation services as provided for in the resident care agreement.

Technical Assistance

The intent of this rule is not to exempt a licensee from providing transportation for a resident. "Transportation" is clearly defined. The consultant is to review the resident care agreement to determine that transportation has been addressed and through interview and observation determine how transportation is available.

Administrative Rule And Statutory Cross Reference

R400.14102 (1)(y); .15102 (1)(y)

R400.14301; 15301

(4) A licensee shall provide all of the following:

(a) An opportunity for the resident to develop positive social skills.

Administrative Rule And Statutory Cross Reference

R400.14304 (1)(b)(h)(k)(o)

.15304 (1)(b)(h)(k)(o)

(b) An opportunity for the resident to have contact with relatives and friends.

Technical Assistance

A licensee may establish house rules which govern, the conduct of residents in the home provided such rules are not in violation of applicable licensing regulations. If there are no limits placed on the activities of residents, the licensee is responsible for assuring the safety and protection of residents from social, moral, and financial exploitation. However, a licensee cannot prevent a resident from

having contact with relatives or friends unless requested otherwise by the resident or the resident's legal guardian.

(c) An opportunity for community-based recreational activities.

(d) An opportunity for privacy and leisure time.

The home must have a method of arranging for privacy of visits between individuals with significant relationships such as case managers, family, friends, etc.

Administrative Rule And Statutory Cross Reference

R400.14301, .15301

R400.14304(a)(b)(c)(h), .15304(a)(b)(c)(h)

(e) An opportunity for religious education and attendance at religious services of the resident's choice.

Technical Assistance

Religious participation cannot be required of residents.

The consultant should, through observation and interview, determine whether religious preferences are noted and honored. The consultant is to review the resident assessment plan and resident care agreement to determine that religious preferences have been addressed.

Administrative Rule And Statutory Cross Reference

R400.14304(1)(c)

(5) A licensee shall provide both of the following when specified in the resident's written assessment plan:

(a) Direction and opportunity for the growth and development of a resident as achieved through activities that foster independent and age appropriate functioning, such as dressing, grooming, manners, shopping, cooking, money management, and the use of public transportation.

Technical Assistance

The consultant should, through interview and observation, determine what the licensee is doing to assure that these requirements are being met according to the resident's assessment plan.

Probe:

Are individuals dressed in their own clean, neat and attractive clothing?

Is the clothing of the correct size and in good condition?

Is clothing appropriate for the weather and the type of activity?

Administrative Rule And Statutory Cross Reference

R400.14304, .15304

(b) An opportunity for involvement in education, employment, and day programs.

Technical Assistance

The consultant should, through interview, observation and review of resident records determine what the licensee is doing to fulfill the requirements of this rule.

Administrative Rule And Statutory Cross Reference

R400.14301, .15301

AFC Administrative Rule

**R400.14304 Resident rights; licensee responsibilities
.15304**

Rule 304. (1) Upon a resident's admission to the home, a licensee shall inform a resident or the resident's designated representative of, explain to the resident or the resident's designated representative, and provide to the resident or the resident's designated representative, a copy of all of the following resident rights:

Technical Assistance

The consultant is to confirm that the licensee has informed, explained, and provided a copy of the resident rights to residents.

Any restrictions and/or limits to a resident's rights must be agreed upon by the resident or the resident's legal guardian, and stated in writing in the resident's assessment plan and resident care agreement.

The exercise of these rights does not abrogate the licensee's responsibility to provide personal care, protection, and supervision to the resident as defined in the Act.

(a) The right to be free from discrimination on the basis of race, religion, color, national origin, sex, age, handicap, marital status, or source of payment in the provision of services and care.

Technical Assistance

"Source of payment" refers to Supplemental Security Income, private pay, social security, etc.

The intent of referencing "source of payment" is to assure that residents are treated equally, including the basic services provided, regardless of source of payment. This does not preclude the provision of additional services for additional compensation.

(b) The right to exercise his or her constitutional rights, including the right to vote, the right to practice religion of his or her choice, the right to freedom of movement, and the right of freedom of association.

(c) The right to refuse participation in religious practices.

(d) The right to write, send, and receive uncensored and unopened mail at his or her own expense.

(e) The right of reasonable access to a telephone for private communications. Similar access shall be granted for long distance collect calls and calls which otherwise are paid for by the resident. A licensee may charge a resident for long distance and toll telephone calls. When pay telephones are provided in group homes, a reasonable amount of change shall be available in the group home to enable residents to make change for calling purposes.

Technical Assistance

The intent of this rule is to assure that a home has a telephone that is accessible to residents and affords privacy. This may be either a private phone or a pay phone.

Local calls are at the expense of the licensee regardless of type of phone (e.g.. pay phone or non-pay phone).

If a licensee charges a resident for their long distance and toll calls, the charges are only to be for the actual cost of these calls. The consultant is to review the resident funds record for an accounting of these charges.

A telephone paid for by a resident for their own use does not relieve the licensee from the requirements of this rule.

Administrative Rule And Statutory Cross Reference

(f) The right to voice grievances and present recommendations pertaining to the policies, services, and house rules of the home without fear of retaliation.

Technical Assistance

The facility must ensure protection of the individual from any form of reprisal or intimidation, including threat of discharge, as a result of a complaint or grievance reported by an individual.

The consultant should review the resident record for documentation of complaints or grievances and how those were resolved.

Administrative Rule And Statutory Cross Reference

R400.14316 (1) (j), .15316 (1) (j)

(g) The right to associate and have private communications and consultations with his or her physician, attorney, or any other person of his or her choice.

(h) The right to participate in the activities of social, religious, and community groups at his or her own discretion.

(i) The right to use the services of advocacy agencies and to attend other community services of his or her choice.

(j) The right of reasonable access to and use of his or her personal clothing and belongings.

Technical Assistance

"Reasonable access" means a resident's access to a supply of personal clothing that is sufficient for a variety of occasions and seasons.

Residents are not to be without personal possessions because of the behavior of others with whom they live.

This does not preclude a licensee from restricting a resident's access to dangerous items such as knives or guns, that may be prohibited by the house rules. Any restrictions to the access of personal clothing and belongings must be agreed upon by the resident or his/her designated representative, time-limited to allow for the development and implementation of a plan to positively reinforce appropriate behavior, and addressed in the resident's assessment plan.

(k) The right to have contact with relatives and friends and receive visitors in the home at a reasonable time. Exceptions shall be covered in the resident's assessment plan. Special consideration shall be given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.

(l) The right to employ the services of a physician, psychiatrist, or dentist of his or her choice for obtaining medical, psychiatric, or dental services.

(m) The right to refuse treatment and services, including the taking of medication, and to be made aware of the consequences of that refusal.

Technical Assistance

All resident refusals to treatment and services, including medical treatment (i.e., psychiatric, taking of medication, etc.) are to be recorded as an unusual incident and are to be noted in the resident record according to R 400.14311 (6) (7); .15311 (6) (7).

A resident's refusal of medical treatment does not relieve the licensee's obligation to obtain needed care.

Administrative Rule And Statutory Cross Reference

R400.14310 (4); .15310 (4); R400.14312 (4) (b) (vi); .15312 (4) (b) (vi).

(n) The right to request and receive assistance from the responsible agency in relocating to another living situation.

Administrative Rule And Statutory Cross Reference

(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.

Administrative Rule And Statutory Cross Reference

(p) The right of access to his or her room at his or her own discretion.

(q) The right to confidentiality of records as stated in section 12(3) of the act.

Technical Assistance

A licensee shall have written policies and procedures that include confidentiality requirements specified by law.

Administrative Rule And Statutory Cross Reference

Sec. 400.712 (3)

R400.14207 (c), .15207 (c)

(2) A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.

Administrative Rule And Statutory Cross Reference

R400.14207 (1) (e), .15207 (1) (e)

AFC Administrative Rule

**R 400.14305 Resident protection
.15305**

Rule 305. (1) A resident shall be assured privacy and protection from moral, social, and financial exploitation.

Administrative Rule And Statutory Cross Reference

Sec. 400.706 (4), P.A. 218
R400.14315, .15315

(2) All work that is performed by a resident shall be in accordance with the written assessment plan.

Technical Assistance

The consultant, through observation, interview and review of resident records is to determine whether a resident is performing work in the home.

"Work," as used in this rule, is defined to mean any activity, or series of related activities which results in benefit to the facility, in contribution to its maintenance, or in the production of a salable product.

In deciding whether a particular activity constitutes "work" as defined above, the key determinant is if a resident was unavailable to perform the particular activity or function, would the home be required to have staff perform the activity in order to properly maintain the home or to provide necessary care services to residents in order to carry out its assigned mission?

Residents are not to be used to provide a source of labor for a home against their will or in opposition to the objectives of the resident's assessment plan.

Regular participation in the resident's activities of maintaining the resident's own bedroom which can lead to the resident's greater functional ability to perform independent household tasks is also not considered "work" for the home. Shared duties are common and appropriate when agreed to in the resident's assessment plan.

"Work" performed by the resident that would normally be performed by staff must be compensated with the receipt of money or it could constitute a violation of R400.14305 (1); .15305 (1).

A record of a resident's compensation is to be maintained in the resident's funds record.

A resident shall not perform any of the functions of direct care staff.

(3) A resident shall be treated with dignity and his or her personal needs, including protection and safety, shall be attended to at all times in accordance with the provisions of the act.

Technical Assistance

The foundation for the interpretation of this rule is contained in Section 6(1) & (4) of P.A. 218 of 1979, as amended - the definitions of "personal care" and "protection."

The consultant, through observation and interview, is to determine whether the home is organized in such a manner to assure residents are free from threat to their physical and psychological health and safety.

The consultant is to review a resident's file to determine the licensee's responsibilities regarding a resident's protection and personal care needs both in the home and in the community. Documents that will assist the consultant include: assessment plans, health care appraisals, service contracts, health care chronological, incident reports, etc.

AFC Administrative Rule

**R 400.14306 Use of assistive devices
.15306**

Rule 306. (1) An assistive device shall only be used to promote the enhanced mobility, physical comfort, and well-being of a resident.

Technical Assistance

An assistive device is defined in R400.14102 (e) as “an item such as a pillow or pad or medically supplied therapeutic support that is intended to achieve or maintain the proper position, posture, or balance of a resident”.

A device used solely for the purpose of restricting a resident’s movement is not an assistive device and is prohibited.

Some examples of assistive devices commonly found in AFC’s include:

- Positioning pillows/equipment
- Bedrails
- “Gerri” chairs
- Soft vests/ties
- Harnesses
- Orthotic body devices
- Lap belts or trays
- Arm or leg restraints
- Posey restraints

The consultant, through interview, record review, and observation, is to determine:

- Are any of the devices, such as those listed above, being used?
- How and why is the assistive device being used?
- Is it an assistive device or a restraint?
- Have staff have been trained in the proper use, application and maintenance of the assistive device?
- Have staff been trained in the proper care and supervision of the resident when the device is in use?

Note: Use of a half bed rail is generally preferred over a full bed rail. A full bed rail may be a potential restraint, if it is a means of confinement. (See 306 Attachment-A)

The following probes can be used to determine if the item is a restraint or an assistive device:

- Can the resident remove or release the device? (Assistive Device)
- Would the resident harm himself/herself if the device was not used? (Assistive Device) For example:
 - A harness to maintain an upright position while sitting in a wheelchair to prevent positional asphyxiation.
 - A lap belt for residents without torso control to prevent falling out of a wheelchair.
 - Time-limited use of posey/arm/leg restraints to prevent injury to surgical wound.
- Does the device prevent the resident from getting up and wandering around when injury is not an issue? (Restraint)
- Does the device appear to be for the convenience of staff, rather than for the protection of the resident? (Restraint)
- Does the device increase the resident's independence? (Assistive Device)

When a device is used, there must be a plan of supervision developed by the licensee; to assure that:

- The resident can obtain staff assistance as needed.
- Staff provide routine visual monitoring of the resident.

Administrative Rule And Statutory Cross Reference

R400.14102(1)(e)

R400.14308(2)(c)(d)

R400.14410(5)

(2) An assistive device shall be specified in a resident's written assessment plan and agreed upon by the resident or the resident's designated representative and the licensee.

(3) Therapeutic supports shall be authorized, in writing, by a licensed physician. The authorization shall state the reason for the therapeutic support and the term of the authorization.

Technical Assistance R306(2)(3)

The consultant is to review the resident record, including the written assessment plan, of a resident who is using assistive device/therapeutic support to assure that it is:

- Prescribed by a licensed physician.
- Not a restraint.
- Being used for the purpose prescribed and as documented in the assessment plan.
- Being used by the person for whom it was prescribed.
- Maintained in a safe condition.

Devices/Therapeutic supports used for residents who are DCH/CMH clients are to have documentation of review and approval by the responsible agency.

Administrative Rule And Statutory Cross Reference

R400.14102(1)(e); .15102 (1) (e)

R400.14305 (3); .15305 (3)

R400.14308(2)(c); .15308(2)(c)

Guidelines for Use of Bed Rails

I. Hazards Created by Improperly Positioned Bed Rails/Mattresses/Beds

The following hazards related to improperly positioned bed rails, mattresses, or beds have been identified. It is recommended that the following be considered during inspections:

- A gap may be created if the mattress or mattress pad is ill-fitted or out of position. The resident may become asphyxiated if the resident slips into the gap with their face pressed against the mattress and is unable to extricate themselves.
- Rail and in-bed entrapment can occur when a side rail releases with the resident's head lodged between side rail bars resulting in compression of the resident's neck and throat.
- Rail and off-bed entrapment can occur when a small person is trapped in the space between the mattress and headboard, mattress and footboard, or a resident could slide out of bed and become trapped between the raised side rail and the bed frame.
- Increased risk of serious injury or death also occurs when the resident's size and/or weight are inappropriate to the bed's capacity or dimensions.

II. Inspection of Bed Rails/Mattresses/Beds

It is recommended that only bed rails which were designed and sold for use in health care facilities and that meet the following criteria be used:

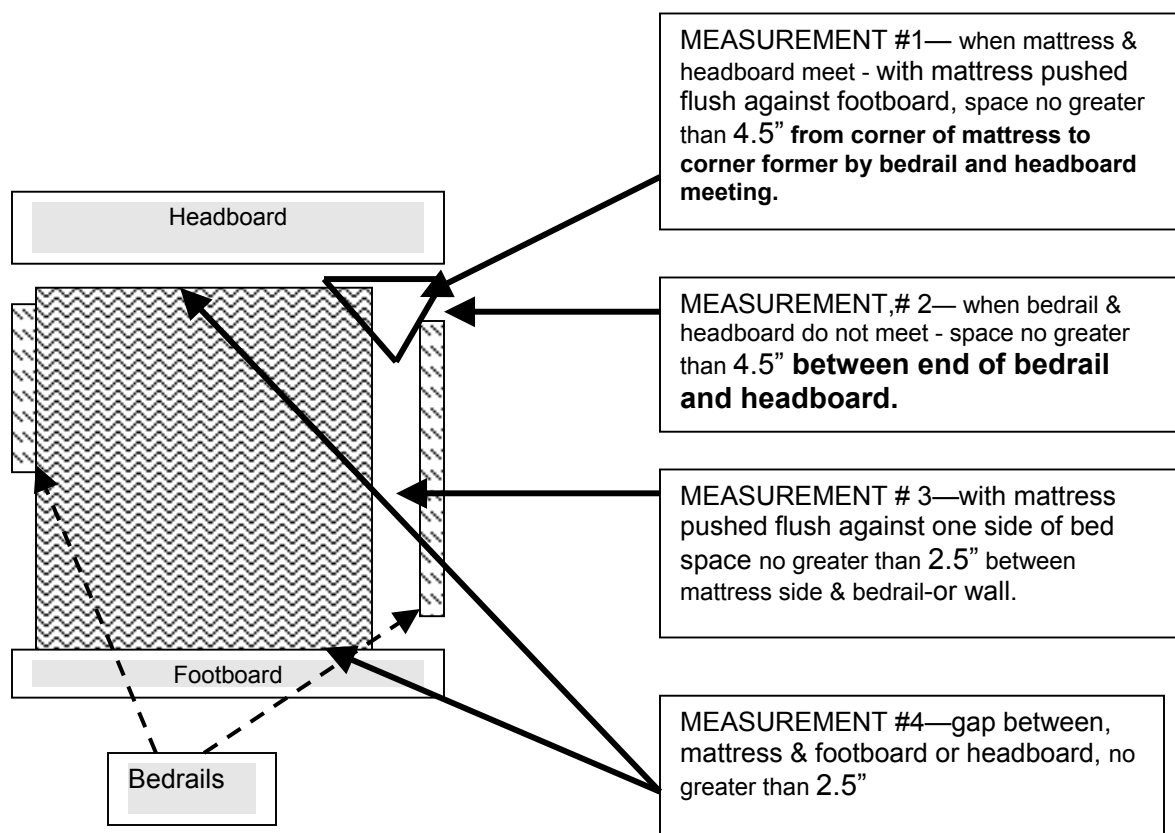
- The bed rail is mechanically sound, firmly attached to the bed frame, and the latches are in good working order.
- The distance between the slats (the horizontal or vertical supports between the perimeter of the rail itself) or the bed rail is small enough to prevent the resident's head/leg or arm, from becoming accidentally entrapped between the slats.
- ❖ Bed rail protective barriers that do not obstruct the resident's view from the bed may be used to close off open spaces between the slats, e.g. netting or clear padding.

- ❖ Padded bed rail covers that obstruct the resident's view may be used for residents who are prone to seizures or who are extremely agitated. The covers should be soft enough to prevent injury, but rigid enough to prevent a resident from becoming entrapped.
- Any space between bed rail and mattress and between mattress and head or footboard is to be filled with foam wedges. (See page 3)
- When the bed is occupied, the top surface of the mattress must be higher than the bottom of the bed rails.

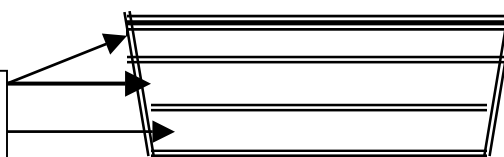
NOTE: Bed rails have to be used in accordance with the requirements of Rule 1400.14306. The licensee must document use of the bed rail in the assessment plan and ensure that direct care staff are instructed in the use of bed rails as follows:

- ❖ **Resident supervision**
- ❖ **Bed and bed rail safety**
- ❖ **The risks and benefits of bed rail use**
- ❖ **Bed rail maintenance**

Guidelines for Bedrail, Mattress & Headboard Measurements



MEASUREMENT #5—no greater than 4.5" between bedrail bars



BEDRAIL

AFC Administrative Rule

**R 400.14307 Resident behavior interventions generally
.15307**

Rule 307. (1) A licensee shall ensure that methods of behavior intervention are positive and relevant to the needs of the resident.

Technical Assistance

Are there consistent positive reinforcement procedures used with individuals?
What specific individual behaviors do staff report they are to reinforce or are observed to be reinforcing?

(2) Intervention to address unacceptable behavior shall be specified in the written assessment plan and employed in accordance with that plan. Interventions to address unacceptable behavior shall also ensure that the safety, welfare, and rights of the resident are adequately protected. If a specialized intervention is needed to address the unique programmatic needs of a resident, the specialized intervention shall be developed in consultation with, or obtained from, professionals who are licensed or certified in that scope of practice.

Technical Assistance

For purposes of this rule, "interventions" refers to behavior management techniques to govern the management of inappropriate resident behavior. The consultant is to review the resident's assessment plan, health care appraisal, daily logs and charts, accident and incident reports, and the like to determine that the method of dealing with unacceptable resident behavior are clearly addressed. The consultant is to review the resident record to determine that any "specialized intervention" has been approved by a licensed or certified professional and that the safety, welfare, and rights of residents are adequately protected.

Professionals who are licensed or certified in the use of specialized interventions include a psychologists, psychiatrists, social workers, or behavioral specialists. Examples of a specialized intervention include but are not limited to: "physical management"; "time-out"; and use of "PRN" (as needed) medications for the purpose of behavior management.

(3) A licensee and direct care staff who are responsible for implementing the resident's written assessment plan shall be trained in the applicable behavior intervention techniques.

Technical Assistance

The consultant is to review the staff work schedule and employee records to determine that trained staff are available on a 24-hour basis to implement any behavior intervention plans developed.

Administrative Rule And Statutory Cross Reference

See R400.14204 (3), .15204 (3)

(4) Intervention techniques shall not be used for the purpose of punishment, discipline, or for the convenience of staff.

AFC Administrative Rule

**R 400.14308 Resident behavior interventions prohibitions
.15308**

Technical Assistance

The consultant is to review the licensee's personnel policies to determine that written policies and procedures that prohibit mistreatment, neglect, or abuse of residents are in place. The consultant is also to determine how this prohibition is communicated and enforced with non-employee members of the household, visitors, and volunteers to assure protection of residents.

Probes:

Is there a pattern of incidents of alleged abuse, accidents, behavior programs, psychoactive drug use, staff training, and adequacy of staffing levels that may suggest possible mistreatment, neglect or abuse of individuals?

Can staff define what constitutes prohibitive practices?

How does the home actively promote respect for individuals?

Do staff set reasonable behavioral limits for residents.

Does group punishment occur?

Does demeaning, belittling or degrading comments or actions occur?

Do staff speak in even tones, in positive and personal terms, and about individuals in private?

Or do staff speak loudly, harshly, in negative, punishing terms or with threats or coercion?

Rule 308. (1) A licensee shall not mistreat a resident and shall not permit the administrator, direct care staff, employees, volunteers who are under the direction of the licensee, visitors, or other occupants of the home to mistreat a resident. Mistreatment includes any intentional action or omission which exposes a resident to a serious risk or physical or emotional harm or the deliberate infliction of pain by any means.

(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following:

- (a) Use any form of punishment.
- (b) Use any form of physical force other than physical restraint as defined in these rules.
- (c) Restrain a resident's movement by binding or tying or through the use of medication, paraphernalia, contraptions, material, or equipment for the purpose of immobilizing a resident.
- (d) Confine a resident in an area, such as a room, where egress is prevented, in a closet, or in a bed, box, or chair or restrict a resident in a similar manner.
- (e) Withhold food, water, clothing, rest, or toilet use.
- (f) Subject a resident to any of the following:
 - (i) Mental or emotional cruelty.
 - (ii) Verbal abuse.
 - (iii) Derogatory remarks about the resident or members of his or her family.
 - (iv) Threats.
- (g) Refuse the resident entrance to the home.
- (h) Isolation of a resident as defined in R 400.14102(1)(m).
(.15102(1)(m))
- (i) Any electrical shock device.

Administrative Rule And Statutory Cross Reference

R400.14306 (1), .15306 (1)

AFC Administrative Rule

**R 400.14309 Crisis intervention
.15309**

(1) Crisis intervention procedures may be utilized only when a person has not previously exhibited the behavior creating the crisis or there has been insufficient time to develop a specialized intervention plan to reduce the behavior causing the crisis. If the resident requires the repeated or prolonged use of crisis intervention procedures, the licensee shall contact the resident's designated representative and the responsible agency or, in the absence of a responsible agency, a professional who is licensed or certified in the appropriate scope of practice to initiate a review process to evaluate positive alternatives or the need for a specialized intervention plan.

Technical Assistance

"Crisis intervention" refers to the use of an intervention for which there has been insufficient time to develop a formal specialized intervention plan. When it has been determined that crisis intervention has occurred, the consultant is to determine if the intervention was consistent with the criteria contained in this rule.

Administrative Rule And Statutory Cross Reference

Rule 400.14307 (2), .15307 (2)

(2) Crisis intervention may be used only for the following reasons:

- (a) To provide for self-defense or the defense of others.**
- (b) To prevent a resident from harming himself or herself.**
- (c) To quell a disturbance that threatens physical injury to any person.**
- (d) To obtain possession of a weapon or other dangerous object that is in the possession or control of the resident.**
- (e) To prevent serious property destruction.**

Technical Assistance

Is there a systematic pattern of incidents being called "emergencies" or "crisis interventions" in order to apply physical restraint without use of an approved program?

Are repeated applications of physical restraint followed up with development of specialized interventions?

(3) Crisis intervention shall be used to the minimum extent and the minimum duration necessary and shall be used only after less restrictive means of protection have failed.

(4) Crisis intervention shall be employed to allow the resident the greatest possible comfort and to avoid physical injury and mental distress.

(5) Crisis intervention shall not be used as a routine intervention.

(6) All uses of crisis intervention shall be noted in the resident's record. This notation shall include all of the following information:

(a) The nature of the crisis intervention used and the duration of use.

(b) The reasons for the use of the crisis intervention.

(c) The types of less restrictive alternatives that were tried, the duration, the number of trials, and the results obtained.

Technical Assistance

Crisis intervention should only be used when less restrictive procedures or methods have failed and only for the briefest time necessary to control severely aggressive or destructive behaviors that place the individual or others in imminent danger, when those behaviors reasonably could not have been anticipated. The consultant is to review available documentation of the use of less restrictive procedures.

(d) The name of the person who authorized the crisis intervention.

(e) The times and dates that the crisis intervention was used and who implemented the crisis intervention.

(7) A licensee shall make available reports of all uses of crisis intervention when requested by the resident or his or her designated representative, the responsible agency, or the department.

Technical Assistance

The consultant is to review the resident record for documentation regarding the use of crisis intervention as referenced in this rule. If the consultant determines that excessive crisis intervention is being utilized in a facility, the consultant may request to receive all reports of crisis intervention used.

(8) A licensee or a direct care staff member shall not use crisis intervention until he or she has successfully completed crisis intervention training that has been approved by the department.

Technical Assistance

For purposes of this rule, crisis intervention training approved by either the local Community Mental Health Agency (CMH) or the Department of Community Health (DCH) will be considered as “approved by the department” as is required by this rule.

In addition please see Rule 307. Rule 307(2) requires that behavior interventions be developed by “professionals who are licensed or certified in that scope of practice”. Rule 307(3) requires that behavior interventions be implemented by, staff that are “trained in the applicable behavior intervention techniques”. It is preferable though not required that this training, be conducted by the “professional” that developed the behavior plan.

In any case the behavior treatment plan/training can not be in conflict with adult foster care licensing rules (e.g., resident rights, behavior prohibitions, etc).

Administrative Rule And Statutory Cross Reference

R400.14307, .15307

R400.14308, .15308

AFC Administrative Rule

**R 400.14310 Resident health care
.15310**

Rule 310. (1) A licensee, with a resident's cooperation, shall follow the instructions and recommendations of a resident's physician or other health care professional with regard to such items as any of the following:

(a) Medications.

(b) Special diets.

(c) Susceptibility to hyperthermia and hypothermia and related limitations for physical activity, as appropriate.

(d) Other resident health care needs that can be provided in the home. The refusal to follow the instructions and recommendations shall be recorded in the resident's record.

Technical Assistance

The consultant is to review the resident's assessment plan, Health Care Appraisal, medication logs, and other relevant health related information, to determine that the instructions and recommendations of the resident's physician or "other health care professional" are being followed. A resident's refusal to follow health care related instructions and recommendations is to be recorded in the resident record. The record should confirm that the licensee has contacted the health care professional regarding this refusal.

Administrative Rule And Statutory Cross Reference

R400.14310 (10), 15310 (10)

R400.14312 (4)(f), .15312 (4)(f)

(2) A licensee shall maintain a copy of the annual health care appraisal on file for not less than 2 years.

(3) A licensee shall record the weight of a resident upon admission and monthly thereafter. Weight records shall be kept on file for 2 years.

Technical Assistance

The consultant is to review weight records for significant weight losses or gains and question licensee regarding follow-up.

(4) In case of an accident or sudden adverse change in a resident's physical condition or adjustment, a group home shall obtain needed care immediately.

Technical Assistance

The consultant is to review accident and incident reports and resident records to determine if timely medical care was obtained. **Under no circumstance is the licensee or the licensee's staff to delay or refrain from obtaining necessary care.** For example, staff should not be expected to contact management or a resident's family prior to obtaining needed care.

Under no circumstance can an adult foster care licensee honor a "no resuscitation/no code" request for an adult foster care resident. When a resident has requested no medical intervention in writing, the licensee may provide a resident's written request to the attending medical personnel. A "no resuscitation/no code" request for an adult foster care resident is an agreement between a licensed physician and the resident. In the case of an accident or sudden severe adverse change in a resident's physical or medical status, such as respiratory or cardiac arrest or life threatening injury, the licensee and/or his/her employees are required to call emergency medical services to the home. However, staff are to provide written "no resuscitation/no code" requests to emergency personnel upon arrival.

A June 20, 2000 Attorney General's opinion #7056 states that "a guardian of a developmentally disabled adult who is not of sound mind lacks authority under the Patient Advocate Act to sign a designation of patient advocate on behalf of the ward." The opinion further states that "a guardian of a developmentally disabled adult who is not of sound mind lacks authority under the Michigan Do-Not-Resuscitate Procedure Act to sign a do-not-resuscitate order on behalf of the ward."

Residents Enrolled in Licensed Hospice Program

In the event that a resident **who is enrolled in a licensed hospice program** (and has a do-not-resuscitate order in his/her Hospice Service Plan) suffers a serious adverse change in his/her medical condition, the adult foster care facility is to immediately contact the resident's licensed hospice service provider instead of emergency medical service. The licensed hospice service provider then determines the appropriate course of action. The Hospice Service Plan is to be included as an addendum to the resident's assessment plan in the resident record.

However, if a resident (who is enrolled in a licensed hospice program) is involved in an **accident** and is in need of emergency medical care, the licensee is to immediately

contact emergency medical services, followed by a phone call to the licensed hospice program.

Administrative Rule And Statutory Cross Reference

Sec. 26 (a) (1) (2) of P.A. 218

6/20/200 Attorney General Opinion # 7056

AFC Administrative Rule

**R 400.14311 Investigation and reporting of incidents, accidents, illnesses, absences, and death
.15311**

Rule 311. (1) A licensee shall make a reasonable attempt to contact the resident's designated representative and responsible agency by telephone and shall follow the attempt with a written report to the resident's designated representative, responsible agency, and the adult foster care licensing division within 48 hours of any of the following:

(a) The death of a resident.

Technical Assistance:

Any death of a resident, including residents enrolled in a licensed hospice requires the completion of an accident/incident report.

Note: Report of an unusual or suspicious death is to be reported to central office. See Manual Item 160- Intra-Department Communications and Reports-Unusual Deaths and Serious Incidents for specific report format and procedures.

(b) Any accident or illness that requires hospitalization.

Technical Assistance:

An illness that requires hospitalization, as referenced in this rule, means any sudden adverse change in a resident's condition or accident that results in an unplanned hospitalization. Hospitalization, as used in this rule, is defined as any time a resident is admitted to a hospital or hospital emergency room, regardless of the duration of stay. A licensee is required to report those illnesses to the licensing consultant in accordance to the requirements outlined in subrule (6)(a)-(f) of this rule.

(c) Incidents that involve any of the following:

- (i) Displays of serious hostility.**
- (ii) Hospitalization.**
- (iii) Attempts at self-inflicted harm or harm to others.**
- (iv) Instances of destruction to property.**

Technical Assistance:

For purposes of clarification (in addition to incidents included in R400.14311 (1)(c), "Incident" is defined in subrule (6) of this rule as "a seizure or highly unusual behavior episode, including a period of absence without prior notice."

For further clarification, if an incident of serious hostility, self-directed harm, attempts at harm to others, or instances of destruction to property is typical of the resident's behavior, and is specifically addressed in his/her behavior treatment plan, documentation of this incident does not need to be sent to the licensing consultant each time that the incident occurs, but is to be maintained in the resident's record. If an incident results in an injury or physical or emotional harm to self or others, an incident report **is** to be filed with the licensing consultant. The licensing consultant **may** require the submission of **all** incident reports when there are concerns about the ability of the facility to protect residents, resident's compatibility, or the destruction of property.

When incident/accident reports are received by the consultant, the consultant is to determine that the actions and procedures followed by the licensee do not violate statutory or rule requirements. Copies of rule required "Incident/ Accident Reports," are to be maintained in the licensing file.

If the consultant determines that further investigation is necessary a special investigation is to be initiated. See Manual Item 300 - Special Investigations.

(d) Incidents that involve the arrest or conviction of a resident as required pursuant to the provisions of section 1403 of Act No. 322 of the Public Acts of 1988.

Technical Assistance:

Act 322, P.A. of 1988 requires that all arrests or convictions of a resident be reported. The crimes specified in Act 322 are:

- Arson
- Rape
- Murder
- Burglary
- Larceny
- Motor vehicle theft
- Aggravated assault
- Robbery

REPORTS OF THESE ARRESTS OR CONVICTIONS ARE TO BE REPORTED TO THE DIVISION'S CENTRAL OFFICE AS A "SERIOUS INCIDENT." SEE MANUAL ITEM 160 INTRA-DEPARTMENTAL COMMUNICATIONS & REPORTS.

(2) An immediate investigation of the cause of an accident or incident that involves a resident, employee, or visitor shall be initiated by a group home licensee or administrator and an appropriate accident record or incident report shall be completed and maintained.

(3) If a resident is absent without notice, the licensee or direct care staff shall do both of the following:

(a) Make a reasonable attempt to contact the resident's designated representative and responsible agency.

(b) Contact the local police authority.

(4) A licensee shall make a reasonable attempt to locate the resident through means other than those specified in subrule (3) of this rule.

(5) A licensee shall submit a written report to the resident's designated representative and responsible agency in all instances where a resident is absent without notice. The report shall be submitted within 24 hours of each occurrence.

(6) An accident record or incident report shall be prepared for each accident or incident that involves a resident, staff member, or visitor. "Incident" means a seizure or a highly unusual behavior episode, including a period of absence without prior notice.

An accident record or incident report shall include all of the following information:

(a) The name of the person who was involved in the accident or incident.

(b) The date, hour, place, and cause of the accident or incident.

(c) The effect of the accident or incident on the person who was involved and the care given.

(d) The name of the individuals who were notified and the time of notification.

(e) A statement regarding the extent of the injuries, the treatment ordered, and the disposition of the person who was involved.

(f) The corrective measures that were taken to prevent the accident or incident from happening again.

Technical Assistance:

For purposes of this subrule requirement regarding the recording requirement of "Seizures", seizures that are to be reported and documented are those that are atypical for the resident in frequency, duration or intensity, or that result in injury to the resident or others.

At the time of the renewal investigations consultants are to:

- Review incident/accident reports and other documentation for at least the last licensing period.
- Review recent hospitalizations as a result of an individual incident or accident.
- Note any failure of the facility to provide protective supervision, especially after knowing an individual has in the past been injured as a result of omissions in supervision. (For example, multiple incidents of injury within a short time frame, reveals a repetitive nature of the incidents. However, if even one very serious incident resulting in medical intervention has occurred, review it to assure that the facility has taken effective, corrective action.)
- Note any failure of the home to correct physical plant problems that may have contributed to an accident or incident.
- Essentially, there are going to be unexplained injuries, given the nature of the population served. However, as a consultant you are examining what the facility has done to reduce the probability of further injury.

(7) A copy of the written report that is required pursuant to subrules (1) and (6) of this rule shall be maintained in the home for a period of not less than 2 years. A department form shall be used unless prior authorization for a substitute form has been granted, in writing, by the department.

Technical Assistance:

If a licensee wishes to use an alternative to the department's "Incident/ Accident Report", the alternative form must be submitted to the consultant for review. The consultant is to use OCAL 4607A "Authorization for a Substitute to AFC Incident and Accident Report" available on the Division Intranet and S:\BFS\BFS AFC\Forms to determine if the alternative meets the rule requirement. The instructions on the form are to be followed. The substitute form approval/disapproval is to be maintained in the facility file and shared with other area managers where the licensee has other facilities located.

AFC Administrative Rule

**R 400.14312 Resident medications
.15312**

Rule 312. (1) Prescription medication, including dietary supplements, or individual special medical procedures shall be given, taken, or applied only as prescribed by a licensed physician or dentist. Prescription medication shall be kept in the original pharmacy-supplied container, which shall be labeled for the specified resident in accordance with the requirements of Act No. 368 of the Public Acts of 1978, as amended, being {333.1101 et seq. of the Michigan Compiled Laws, kept with the equipment to administer it in a locked cabinet or drawer, and refrigerated if required.

Technical Assistance

The consultant is to review resident's prescription medication to determine that prescribed medications are in the pharmacy-supplied containers. The consultant is to further review the home's menu plans for special menus to determine that dietary supplements are addressed, if so prescribed. The placing of medications in containers that are not the original pharmacy supplied container with its label, (e.g. weekly pill containers, "pre-setups," etc.) is prohibited.

In situations where medication samples have been provided, physician-supplied pharmacy samples of medication may be used in the home if the medication is accompanied by written instructions which pertain specifically to the residents to whom it was supplied.

Administrative Rule And Statutory Cross Reference

R400.14312 (4) (e), .15312 (4) (e)

(2) Medication shall be given, taken, or applied pursuant to label instructions.

Technical Assistance

The consultant is to review the pharmacy-labeled container and medication logs to determine that they are consistent with one another. When discrepancies are observed or alleged, it may be necessary to have the licensee/staff do a medication count in the presence of the consultant.

See Attachment A R 400.14312 (15312) for commonly used prescription abbreviations.

(3) Unless a resident's physician specifically states otherwise in writing, the giving, taking, or applying of prescription medications shall be supervised by the licensee, administrator, or direct care staff.

Technical Assistance

The consultant is to review the resident record or through observation determine if a resident is self-medicating. If so, a written directive from the resident's physician is to be available in the resident's record.

Although a resident may self-medicate, the licensee has a responsibility to safeguard the medication and to remind a resident to maintain his/her medication schedule, as directed by the resident's physician. (Section 7, 7 (a) of P.A. 218 of 1979, as amended.)

(4) When a licensee, administrator, or direct care staff member supervises the taking of medication by a resident, he or she shall comply with all of the following provisions:

(a) Be trained in the proper handling and administration of medication.

Technical Assistance

The consultant is to review the employee records to determine that all persons administering medications have been trained. The consultant is to review the licensee's training and procedures for the administration of medications. The procedures should assure the "5 R's" of medication administration:

- The right medication must be given to the right resident.
- The medication must be given in the right amount.
- The medication must be given at the right time.
- The medication must be given by the right method.

(b) Complete an individual medication log that contains all of the following information:

- (i) The medication.**
- (ii) The dosage.**
- (iii) Label instructions for use.**
- (iv) Time to be administered**

- (v) **The initials of the person who administers the medication, which shall be entered at the time the medication is given.**

Technical Assistance

The medication logs are to be reviewed to determine that they are being completed according to the rule requirements and that administration is consistent with the pharmacy label. The consultant may review the employee work schedules to verify the employee's initials on the medication log are consistent with the staff on duty.

- (vi) **A resident's refusal to accept prescribed medication or procedures.**

- (c) **Record the reason for each administration of medication that is prescribed on an as needed basis.**

- (d) **Initiate a review process to evaluate a resident's condition if a resident requires the repeated and prolonged use of a medication that is prescribed on an as needed basis. The review process shall include the resident's prescribing physician, the resident or his or her designated representative, and the responsible agency.**

Technical Assistance

Administration of "As Needed Medication" or "PRN" medication is to be recorded on the medication log. If frequent administration of "PRN" medication is noted, the consultant is to request the licensee to initiate a review process to evaluate the resident's condition and need for the medication.

- (e) **Not adjust or modify a resident's prescription medication without instructions from a physician or a pharmacist who has knowledge of the medical needs of the resident. A licensee shall record, in writing, any instructions regarding a resident's prescription medication.**

Technical Assistance

If the consultant observes that the pharmacy label instructions/dosage is different than that contained on the medication log, the consultant is to review the licensee's documentation of the change instructions.

Changes in prescription medication is to only be made by a person licensed to prescribe medication (i.e., physician, dentist, podiatrist). Directions regarding a change in prescription medication should only be accepted from the individual prescribing the medication or a licensed medical professional (i.e., nurse, physician's assistant, pharmacist) acting as a representative of the person prescribing the medication.

(f) Contact the appropriate health care professional if a medication error occurs or when a resident refuses prescribed medication or procedures and follow and record the instructions given.

(5) When a resident requires medication while out of the home, a licensee shall assure that the resident or, in the alternative, the person who assumes responsibility for the resident has all of the appropriate information, medication, and instructions.

Technical Assistance

The consultant is to determine how the facility assures residents receive prescribed medication while out of the home.

The use of non-pharmacy labeled containers is not allowed due to the requirements of Rule 400.14312(1). In situations where the resident leaves the home (i.e., to attend day programs, visits with family, etc.) and the licensee does not want to send the entire prescription with the resident, the following is an acceptable practice:

- The home can contact the pharmacy and request a duplicate labeled container for the medication.
- The medication can then be divided between the original and the duplicate labeled container.
- When medication is sent out of the home the medication needs to be placed in the corresponding pharmacy labeled container.
- Unless otherwise specified by the physician, prescription medication is to be provided to the person who is assuming responsibility for the resident when the resident is outside the home.

(6) A licensee shall take reasonable precautions to insure that prescription medication is not used by a person other than the resident for whom the medication was prescribed.

Technical Assistance

Medications kept by residents who self-medicate are to be safeguarded, kept in the original containers, and kept in a locked cabinet or drawer. The consultant is to observe the area where medications are kept to assure that it is in locked storage. Medications that are required to be refrigerated, are to be stored in a locked box in the refrigerator.

When medication is removed from the pharmacy-labeled container, it must be administered immediately to the resident by the person removing the medication from the container. This does not preclude grouping any resident's medication(s)

for immediate administration. The person who administers the medication is required to initial the medication log at the time the medication is given as required by subrule 4(b) of this rule.

(7) Prescription medication that is no longer required by a resident shall be properly disposed of after consultation with a physician or a pharmacist.

Technical Assistance

Through observation and interview, the consultant is to determine how prescription medication is disposed.

The requirements of this subrule also apply in the event of a resident death.

Standard Medication Abbreviations

q.	Every	d.	day
q.& h	Every three hours	b.i.d.	Twice a day
t.i.d.	Three times a day	q.i.d.	Four times a day
h.s.	Hour of sleep (bedtime)	p.r.n.	As necessary
STAT	At once	t., tsp.	teaspoon
Gm.	Grams	oz.	ounce
cc.	Cubic centimeters	mg.	milligrams
ASA	Aspirin		
MOM	Milk of Magnesia		

AFC Administrative Rule

**R 400.14313 Resident nutrition
.15313**

Rule 313. (1) A licensee shall provide a minimum of 3 regular, nutritious meals daily. Meals shall be of proper form, consistency, and temperature. Not more than 14 hours shall elapse between the evening and morning meal.

Technical Assistance

The intent of this rule is that the meals served by the licensee meet recommended daily allowances. The consultant is to randomly select the licensee's menus and review them in order to determine that nutritional requirements have been met. The consultant is to also check the food supply in the home's pantry to determine it coincides with the menu. (Please refer to the publication from the former Department of Public Health on nutrition as a resource regarding Recommended Daily Allowances (RDA) and the food pyramid when determining compliance.

The consultant is to review meal times with the licensee, staff and residents to determine compliance with the timing of meals.

Any food that is chopped, pureed, or whose consistency has been modified, including gastric tube feeding, is to be considered a special diet and is to coincide with a resident's prescribed special diet.

(2) Meals shall meet the nutritional allowances recommended pursuant to the provisions of "Appendix I: Recommended Dietary Allowances, Revised 1980" contained in the publication entitled "Basic Nutrition Facts: A Nutrition Reference," Michigan Department of Public Health publication no. 11-808, 1/89. This publication may be obtained at cost from the Division of Research and Development, Michigan Department of Public Health, P.O. Box 30195, Lansing, Michigan 48909

Technical Assistance

The consultant should familiarize her/himself with the publication from the former department of Public Health cited in this rule requirement. Extra copies may be obtained from the Department of Community Health and are available in each office.

(3) Special diets shall be prescribed only by a physician. A resident who has been prescribed a special diet shall be provided such a diet.

Technical Assistance

The consultant is to review resident records for special dietary requirements. Special dietary requirements can generally be found on the resident's health care appraisal, on a physician's prescription form or in a narrative statement from the physician. Documentation signed and dated by the physician is to be maintained in the resident record.

For purposes of this rule, only a physician, not a physician's assistant or RN, etc., can prescribe a special diet. Special diets include, but are not limited to, weight reduction plans, diabetic diet plans, low sodium, low fat, or modification of food consistency, gastric tube feeding and the like.

Through interview and observation the consultant is to determine if and how a special diet is being provided.

Probes:

- Does the home have written instructions for the prescribed diet?
- Are staff who are responsible for food preparation familiar with the prescribed diet?
- Is equipment and information needed to follow the diet available to staff in the home?
- Is food on hand consistent with the special diet?

(4) Menus of regular diets shall be written at least 1 week in advance and posted. Any change of substitution shall be noted and considered as part of the original menu.

(5) Records of menus, including special diets, as served shall be provided upon request by the department.

(6) Records of menus, including special diets, shall be kept by the licensee for 1 calendar year.

AFC Administrative Rule

**R400.14314 Resident hygiene
.15314**

Rule 314. (1) A licensee shall afford a resident the opportunity, and instructions when necessary, for daily bathing and oral and personal hygiene. A licensee shall ensure that a resident bathes at least weekly and more often if necessary.

Technical Assistance

The consultant is to determine through inspection of the home, review of resident Assessment Plans and Resident Care Agreements, interview of the licensee, staff and residents and observation of residents that the requirements of this rule are being met.

Probes:

- Is staff familiar with the needs of residents and trained to provide assistance when necessary?
- Do residents appear to be well groomed, (e.g. free of offensive body odor, hair clean, nails clean, clothing clean)?
- Is toilet paper, sanitary napkins, bath soap, individual toothpaste, shampoo, toothbrushes, etc., available to residents?
- Can residents bathe daily if they wish?
- How does licensee ensure that baths are taken?
- What is done when a resident refuses to bathe or maintain acceptable personal hygiene?

(2) A licensee shall afford a resident facilities, and instructions when necessary, for daily shaving.

(3) A licensee shall afford a resident opportunities, and instructions when necessary, to obtain haircuts, hair sets, or other grooming processes.

(4) A licensee shall afford a resident opportunities, and instruction when necessary, to dress as fashion, fit, cleanliness, and season warrant.

Administrative Rule And Statutory Cross Reference

Rule 400.14304 (1) (j), .15304 (1)(j)

(5) A licensee shall afford a resident who is capable with opportunities, and instructions when necessary, to routinely launder clothing. Clean clothing shall be available at all times.

Technical Assistance

The intent of this rule is to allow a resident to maximize his/her level of functioning and independence though a resident is never to be required to launder the home's laundry. When a resident is not able or refuses to do his/her own laundry, the licensee is responsible for assuring that clean clothing is available.

(6) A licensee shall afford a resident the opportunity to receive assistance in bathing, dressing, or personal hygiene from a member of the same sex, unless otherwise stated in the home's admission policy or written resident care agreement.

Technical Assistance

The consultant is to review the home's admission policy and Resident Care Agreements for verification of current practice.

The licensing consultant, through observation and interview, is to review the population being served, and the staffing schedules of the home to determine if members of the same sex are being scheduled to assist in bathing, dressing, or personal hygiene, unless otherwise specified in the home's admission policy or written resident care agreement.

AFC Administrative Rule

**R 400.14315 Handling of resident funds and valuables
.15315**

Rule 315. (1) Upon a request from a resident or the resident's designated representative, a licensee may accept a resident's funds and valuables to be held in trust with the licensee.

Technical Assistance

The licensing consultant is to familiarize him/herself with the definitions for "**Resident funds**" and "**Valuables**" when determining compliance with these rule requirements. The intent of this rule is to specifically outline the manner in which a licensee is required to handle and account for all funds and valuables coming into the home on behalf of the resident.

The consultant is to ask the licensee how resident funds are being managed.

Probes:

- Does licensee cash checks on behalf of residents?
- Is the licensee the representative payee to receive government funds such as: SSI, SSB, VA?
- Does the licensee make purchases on behalf of residents?
- Does licensee accept residents' valuables for safekeeping?
- Does licensee have access to resident bank accounts, safe deposit boxes, investment accounts etc.?
- Does licensee hold cash on behalf of a resident?

If a resident or resident's designated representative requests a licensee to manage the resident's funds or valuables, the licensee has the option to refuse that request.

(2) The care of any resident funds and valuables that have been accepted by a licensee for safekeeping shall be treated by the licensee as a trust obligation.

Technical Assistance

Licensees are to complete and maintain a "Resident Funds Part I" (OCAL 2318) for all residents.

The consultant is to ask the licensee whether he/she has accepted a resident's funds and valuables for safekeeping; assists residents in handling their funds or with banking transactions. A licensee is not required to accept a resident's funds and valuables for safekeeping.

Resident funds include money paid for any and all services provided by an adult foster care facility. This includes any payment received for services provided by a licensee, e.g., extra staffing, special care services (speech therapy, physical therapy, etc.), transportation, and the like.

(3) A licensee shall have a resident's funds and valuables transaction form completed and on file for each resident. A department form shall be used unless prior authorization for a substitute form has been granted, in writing, by the department.

Technical Assistance

A licensee is required to account for any and all funds received on behalf of or for an adult foster care resident regardless of source, i.e., DCH/CMH contract monies, etc. The OCAL-2319 - Resident Funds Part II form is to be used for each resident to record and account for resident care payments as well as for the ongoing management of resident funds.

The consultant should review the resident record to determine that a resident funds and transactions form has been completed for each resident. The OCAL 2319- "Resident Funds Part II" is the required department form.

If a licensee wishes to use an alternative to the department's Resident Funds Part II, the alternative form must be submitted to the consultant for review. The consultant is to use OCAL 2319A "Authorization for a Substitute to: AFC Resident Funds Part II" available on the Division Intranet and S:\BFS\BFS AFC\Forms to determine if the alternative meets the rule requirement. The instructions on the form are to be followed. The approval and the substitute form are to be maintained in the facility's record and shared with other area managers where the licensee has other facilities located.

Administrative Rule and Statutory Cross Reference

R400.14102 (.15102)

(4) A listing of all valuables that are accepted by the licensee for safekeeping shall be maintained. The listing of valuables shall include a written description of the items, the date received by the licensee, and the date returned to the resident or his or her designated representative. The listing of valuables shall be signed at the time of receipt by the licensee and the resident or his or her designated representative. Upon return of the valuables to the resident or his or her designated representative, the listing shall be signed by the resident or his or her designated representative and the licensee.

Technical Assistance

When a licensee accepts a resident's valuables for safekeeping, the consultant is to review the record of valuables for the resident to determine the record is being maintained as required by this rule.

(5) All resident funds, which includes bank accounts, shall be kept separate and apart from all funds and monies of the licensee. Interest and dividends earned on resident funds shall be credited to the resident. Payments for care for the current month may be used by the licensee for operating expenses.

Technical Assistance

The intent of this rule is to assure that a licensee does not commingle their funds with a resident's and that residents receive the full benefit of earnings from monies deposited.

With regard to the provision that "Payments for care for the current month may be used by the licensee for operating expenses", the intent is to enable the licensee to use the resident's current month's care payment upon receipt from the resident or designated representative for the home's operation.

The intent of this rule is also to ensure that there is ongoing functional accountability of resident funds. The practice of depositing the resident's SSI check into the home account and writing the resident a check or giving the resident cash for his/her portion of the check is not considered commingling, provided that the licensee forwards the personal funds portion of the check to the resident within **5 work days**

(6) Except for bank accounts, a licensee shall not accept resident funds of more than \$200.00 for any resident of the home after receiving payment of charges owed.

Technical Assistance

The consultant is to review resident fund transaction forms and the money on hand to determine compliance with this sub rule.

(7) A resident shall have access to and use of personal funds that belong to him or her in reasonable amounts, including immediate access to not less than \$20.00 of his or her personal funds. A resident shall receive up to his or her full amount of personal funds at a time designated by the resident, but not more than 5 days after the request for the funds. Exceptions to this requirement shall be subject to the provisions of the resident's assessment plan and the plan of services.

Technical Assistance

The consultant is to review the resident record for an accounting of the resident's funds and compare the cash on hand with the balances indicated on the funds transaction form. Any restrictions to a resident's access to their funds must be noted in the resident's assessment plan.

(8) All resident fund transactions shall require the signature of the resident or the resident's designated representative and the licensee or prior written approval from the resident or the resident's designated representative.

Technical Assistance

The consultant is to review the resident record to determine that resident transactions have been recorded and that proper signatures have been obtained. Prior written approval with the resident's signature or the resident's designated representative's signature is required for charges against a resident's account.

When the resident or his/her designated representative agree to have the licensee manage and account for financial transactions on the resident's behalf and the licensee accepts this responsibility as reflected in the Resident Care Agreement, this constitutes the "prior written approval" required by this rule.

(9) A resident's account shall be individual to the resident. A licensee shall be prohibited from having any ownership interest in a resident's account and shall verify such in a written statement to the resident or the resident's designated representative.

Technical Assistance

For purposes of this rule, "account" includes bank accounts, securities, bonds, etc., that are received by the licensee from a resident. The consultant is to review the Resident Funds Part I and account (savings, money market funds, checking, investment accounts etc.) statements to determine that the licensee does not have ownership interest in the accounts. If the licensee's or their designee's name appears on the account, the consultant is to assure that the licensee is holding the account "in trust for" the resident.

(10) A licensee, administrator, direct care staff, other employees, volunteers under the direction of the licensee, and members of their families shall not accept, take, or borrow money or valuables from a resident, even with the consent of the resident.

(11) A licensee shall obtain prior written approval from a resident and his or her designated representative before charges are made to a resident's account.

Technical Assistance

The consultant is to review the "Resident Care Agreement" and any other written agreement regarding approved charges against the resident's account. The consultant is to compare the prior approved charges against the "Resident Funds Part II" (OCAL 2319) to assure they are in agreement.

If the home requires a deposit, application fee, admission fee, advance care payment or any other special fee as a condition of admission, this information is to be clearly stated in the resident care agreement and the admission policy and/or fee policy and payment recorded on the "Resident Funds Part II" form.

Administrative Rule And Statutory Cross Reference

See Rule 400.14102(c).

(12) Charges against the resident's account shall not exceed the agreed price for the services rendered and goods furnished or made available by the home to the resident.

Technical Assistance

The licensing consultant is to verify that the licensee is not charging more than the amount agreed to in the "Resident Care Agreement". This can be done by comparing the "Resident Funds Part II" against the "Resident Care Agreement".

Expenses that are not covered by Medicaid/Medicare and for which the licensee is also not reimbursed by the contracting/placing agency can legitimately be charged against a resident's account. The charges must be noted in the fee policy and resident care agreement, agreed to by the resident/guardian and designated representative (if applicable) and cannot exceed the actual cost of the service, including any amounts reimbursed to the licensee by a placing/contracting agency for the service/expense.

Note: Licensees may accept third party, (e.g. relatives of a resident, mental health) payments over and above the Supplemental Security Income payment (SSI) except for food, clothing and shelter.

(13) A licensee shall provide a complete accounting, on an annual basis and upon request, of all resident funds and valuables which are held in trust and in bank accounts or which are paid to the home, to the resident, or to his or her designated representative. The accounting of a resident's funds and valuables which are held in trust or which are paid to the home shall also be provided, upon the resident's or designated representative's request, not more than 5 banking days after the request and at the time of the resident's discharge from the home.

Technical Assistance

The consultant is to review resident records including the OCAL 2318 & 2319, to verify that an annual accounting of resident funds and valuables is being provided. Files of residents who have been discharged should be reviewed for compliance purposes.

At the time of discharge, or upon request the licensee must be able to account for any deposits received at the time of admission as well as any other monies held in trust or in bank accounts.

(14) A licensee shall have a written refund agreement with the resident or his or her designated representative. The agreement shall state under what conditions a refund of the unused portion of the monthly charge that is paid to the home shall be returned to the resident or his or her designated representative. The refund agreement shall provide for, at a minimum, refunds under any of the following conditions:

(a) When an emergency discharge from the home occurs as described in R 400.14302.

(b) When a resident has been determined to be at risk pursuant to the provisions of sections 11 and 11a to 11f of Act No. 280 of the Public Acts of 1939, as amended, being {{400.11 and 400.11a to 400.11f of the Michigan Compiled Laws. (The Social Welfare Act)

(c) When a resident has been determined to be at risk due to substantial noncompliance with these licensing rules which results in the department taking action to issue a provisional license or to revoke or summarily suspend, or refuse to renew, a license and the resident relocates. The amount of the monthly charge that is returned to the resident shall be based upon the written refund

agreement and shall be prorated based on the number of days that the resident lived in the home during that month.

Technical Assistance

The consultant is to review the licensee's refund agreement and determine that the minimum requirements are included.

(15) Personal property and belongings that are left at the home after the death of a resident shall be inventoried and stored by the licensee. A licensee shall notify the resident's designated representative, by registered mail, of the existence of the property and belongings and request disposition. Personal property and belongings that remain unclaimed, or for which arrangements have not been made, may be disposed of by the licensee after 30 days from the date that written notification is sent to the designated representative.

Technical Assistance

The consultant is to review closed files to verify compliance with this rule. Registered mail receipts and a copy of the letter to the resident's designated representative are to be reviewed for compliance.

(16) Personal property and belongings that are left at the home after discharge shall be inventoried and stored by the licensee. The resident and designated representative shall be notified by the licensee, by registered mail, of the existence of property and belongings. Personal property and belongings that remain unclaimed, or for which arrangements have not been made, may be disposed of by the licensee after 30 days from the date that written notification is sent to the resident and the designated representative.

Technical Assistance

The consultant is to review the closed files of a resident who has been discharged. This rule refers to those situations where a resident leaves the home permanently and is no longer an occupant of the home. A record of written notification regarding the resident's discharge should be available in the home's record.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

**R 400.14316 Resident records
.15316**

Rule 316. (1) A licensee shall complete, and maintain in the home, a separate record for each resident and shall provide record information as required by the department. A resident record shall include, at a minimum, all of the following information:

(a) Identifying information, including, at a minimum, all of the following:

- (i) Name.**
- (ii) Social security number, date of birth, case number, and marital status.**
- (iii) Former address.**
- (iv) Name, address, and telephone number of the next of kin or the designated representative.**
- (v) Name, address, and telephone number of the person and agency responsible for the resident's placement in the home.**
- (vi) Name, address, and telephone number of the preferred physician and hospital.**
- (vii) Medical insurance.**
- (viii) Funeral provisions and preferences.**
- (ix) Resident's religious preference information.**

(b) Date of admission.

(c) Date of discharge and the place to which the resident was discharged.

(d) Health care information, including all of the following:

- (i) Health care appraisals.**
- (ii) Medication logs.**
- (iii) Statements and instructions for supervising prescribed medication, including dietary supplements and individual special medical procedures.**
- (iv) A record of physician contacts.**
- (v) Instructions for emergency care and advanced medical directives.**

Technical Assistance

When a resident has requested “no medical intervention” in writing, the licensee should maintain the request in the resident’s record. The licensee is to provide this written request to attending emergency medical and/or any other medical personnel, when applicable.

A hospice service plan for a resident who is enrolled in a licensed hospice program which includes a do-not-resuscitate order or any other form of advance directive is to be included as an addendum to the resident's assessment plan and maintained with the assessment plan in the resident's record.

If the licensing consultant has any question as to whether a hospice program is licensed in the state of Michigan, the Hospice Facility Directory Report as compiled by the Department of Consumer and Industry Service's Bureau of Health Systems, would provide that information.

Administrative Rule and Statutory Cross Reference

Section 26a of PA 218

- (e) Resident care agreement.**
- (f) Assessment plan.**
- (g) Weight record.**
- (h) Incident reports and accident records.**
- (i) Resident funds and valuables record and resident refund agreement.**
- (j) Resident grievances and complaints.**
- (2) Resident records shall be kept on file in the home for 2 years after the date of a resident's discharge from a home.**

Technical Assistance

The consultant is to review current and past resident records to determine that all the required documentation is contained in the record.

AFC Administrative Rule

**R 400.14317 Resident recreation
.15317**

Rule 317. (1) A licensee shall make reasonable provision for a varied supply of leisure and recreational equipment and activities that are appropriate to the number, care, needs, age, and interests of the residents.

(2) Leisure and recreational equipment shall be safe, clean, in good repair, and easily accessible.

(3) Equipment and materials shall encourage and reinforce all of the following:

(a) Social interaction.

(b) Further growth through firsthand experiences.

(c) Social graces.

(d) Productive utilization of leisure time.

AFC Administrative Rule

**R 400.14318 Emergency preparedness
.15318**

Rule 318. (1) A licensee shall have a written emergency procedure and evacuation plan to be followed in case of fire, medical, or severe weather emergencies. The evacuation plan shall be prominently posted in the home. Residents who require special assistance shall be identified in the written procedure.

Technical Assistance

The consultant is to review the licensee's emergency procedures and evacuation plan. The emergency procedures plan is to address fire, medical, and severe weather emergencies. The evacuation plan is to be posted in a place where it is easily observed in the home. The consultant is to verify that the written procedure has identified those residents who require special assistance. The written procedure is to be updated to accurately reflect changing resident needs and/or populations served by the home.

(2) An evacuation plan shall, at a minimum, include a floor plan that specifies the locations of evacuation routes and the exiting route to be followed in case of fire.

Technical Assistance

The consultant is to verify and review the posted floor plan to determine that evacuation routes have been identified and are through approved means of egress. An evacuation plan should be available and posted on each occupied floor of the home.

(3) A telephone shall be available and accessible in a home. Emergency telephone numbers shall, at a minimum, include fire, police, and medical emergency services and shall be conspicuously posed immediately adjacent to telephones.

Technical Assistance

A phone is to be available, operable and accessible to anyone in the home at any time.

NOTE: During power outages cordless phones may not operate.

4. A licensee shall ensure that residents, all employees, volunteers under the direction of the licensee, and members of the household are familiar with emergency and evacuation procedures.

Technical Assistance

When the home has staff that work different times of the day, practices must be conducted during the day, evening and sleeping hours to assure that all staff are familiar with the procedures.

(5) A licensee shall practice emergency and evacuation procedures during daytime, evening, and sleeping hours at least once per quarter. A record of the practices shall be maintained and be available for department review.

Technical Assistance

The intent of this rule is to ensure that the licensee, residents, all employees, volunteers under the direction of the licensee, and members of the household are familiar with and participate in emergency and evacuation procedures.

The frequency of practicing emergency and evacuation procedures referenced in this subrule is one practice during daytime hours, one during evening hours, and one during sleeping hours, each quarter. A minimum of 3 practices must, therefore, be completed every 3 months.

The consultant is to have the licensee identify when each time period (day, evening and sleeping hours) ends and begins. The practices are to be reviewed against the time frames established.

Only practices, which result in the full evacuation of residents to a safe location outside of the facility, may be counted toward the required number of practices. Even though some fire safety inspectors advise licensees that they only need to bring residents to the door, our standard is that they must evacuate to the outside of the facility.

The consultant is to review the home's emergency and evacuation logs for the past license term to determine compliance with this rule. The consultant is to review the time it takes to evacuate the home in order to determine that staffing ratios and procedures are in place to evacuate the home [Ref. Rule 400.14206/.15206(2)]. Even though we have no fire safety rules that require evacuation to be completed within a specific amount of time, it is generally accepted in the fire safety community that if a person cannot be evacuated within 3 minutes, they would not survive a fire. Failure on the part of a licensee to conduct required emergency evacuation practices is to be considered a serious threat to life and safety, and requires immediate corrective action by the licensee.

CERTIFIED PROGRAMS: Homes that are certified to provide specialized programs are required to comply with special certification R330.1803 regarding evacuation scores.

Evacuation practices may be announced to the residents in advance.

(6) A licensee shall assure emergency transportation through the use of a recognized available community service or vehicle that is owned by the licensee, administrator, or direct care staff on duty.

Technical Assistance

The consultant should ask the licensee to identify the transportation available for emergency purposes.

If the licensee is relying on their own or their staff's transportation, it must be available for emergency purposes.

Administrative Rule

**R 400.14319 Resident transportation
.15319**

Rule 319. When a home provides transportation for a resident, the licensee shall assure all of the following:

(a) That a vehicle is in good operating condition.

Technical Assistance

A statement from the licensee verifying that the vehicle used to transport residents, at the minimum, meets or exceeds the vehicle manufacturer's maintenance requirements in areas including the vehicle's brakes, tires, windshield wipers, lights, transmission, and any other mechanical condition that could lead to or result in either breakdown of the vehicle or contribute to a vehicular accident is acceptable in meeting compliance with this requirement.

(b) That a vehicle carries a basic first aid kit.

(c) That residents who are transported by truck ride only in the cab.

(d) That a vehicle operator has a valid driver's license. A licensee who uses a motor vehicle with a manufacturer's rated seating capacity of 16 or more persons shall comply with the provisions of section 715a of Act No. 300 of the Public Acts of 1949, as amended, being {257.715a of the Michigan Compiled Laws.

If facility has a vehicle seating 16 or more persons, drivers must have a Class "C" (chauffeurs) drivers license.

Administrative Rule & Statutory Cross Reference

R 400.14303 (3)

.15303 (3)

AFC Administrative Rule

**R 400 .14401 Environmental conditions
.15401**

Rule 401. (1) Private water systems shall be in compliance with R 325.10101 et seq. of the Michigan Administrative Code. A bacteriological report confirming water quality shall be required during the initial inspection and every 2 years thereafter. Group homes that use a community-approved water system need not be in compliance with this requirement.

Technical Assistance

The consultant is to determine if the facility has a private water system. If the facility has a private water system licensing staff are to request an on-site inspection of the water system from the appropriate health authority at the time of each renewal and for original license applications

An environmental health inspection report indicating, a “D” rating (disapproval) where residents are residing in the facility is to be registered as a "Special Investigation."

Administrative Rule And Statutory Cross Reference

Licensing Manual Item 545 – Adult Foster Care Environmental Health Inspections of Adult Foster Care Facilities.

(2) Hot and cold running water that is under pressure shall be provided. A licensee shall maintain the hot water temperature for a resident's use at a range of 105 degrees Fahrenheit to 120 degrees Fahrenheit at the faucet.

Technical Assistance

The consultant is to determine that hot and cold water is available at all handwashing and bathing fixtures. The consultant should operate the fixtures to assure the availability of hot and cold water, adequacy of pressure.

The water temperature is to be tested by thermometer at multiple sites within the facility after the water has run long enough to reach maximum temperature. The temperature is not to be less than 105° and not to exceed 120° at any fixture accessible to residents.

The consultant should determine how the licensee assures proper water temperature is maintained but should only cite if water is not maintained within the required range. Though not required, mixing valves are an acceptable way of

maintaining consistent water temperatures. Mixing valves may be located at the main water supply and/or individual taps. However, the installation of mixing valves do not guarantee the water temperature range required by this rule.

(3) All sewage shall be disposed of in a public sewer system or, in the absence thereof, in a manner that is approved by the health authority.

Technical Assistance

The consultant is to determine if the facility has a private sewage system. If the facility has a private sewage system, an on-site inspection by the health authority is to be requested at time of each renewal and for original license applications.

When consultants are conducting on-site inspections, they should observe whether there is evidence of septic/sewer failure. Toilets which back up or flush poorly may be an indication of septic failure. Flush toilets and turn on faucets to determine if plumbing fixtures drain properly. Evidence of sewage on the ground includes septic tank effluent that is very dark or black in appearance and extremely malodorous, or presence of dark colored standing water close to the septic system area. Waste water from the laundry machine is considered sewage and therefore, must be discharged into the home's sanitary sewer system. Any evidence of sewage on the ground surface is positive indication that sewage is being disposed of improperly. All sewage problems are to be referred to the local health authority.

Local health authorities have statutory responsibility and authority to address complaints related to sewage disposal and a fee is not to be paid by the department for their investigation of such a complaint or for charges for reinspections of sewage disposal system problems discovered as a part of a department paid initial or renewal application inspection.

If an environmental health inspection indicates disapproval, and residents are residing in the facility, the "D" rating (disapproval) is to be registered as a "Special Investigation."

Administrative Rule and Statutory Cross Reference

Manual Item 545- Adult Foster Care Environmental Health Inspections

(4) All garbage and rubbish that contains food wastes shall be kept in leakproof, nonabsorbent containers. The containers shall be kept covered with tight-fitting lids and shall be removed from the home daily and from the premises at least weekly.

(5) An insect, rodent, or pest control program shall be maintained as necessary and shall be carried out in a manner that continually protects the health of residents.

Technical Assistance

Effective insect, rodent or pest control measures include but are not limited to the following:

1. Kitchen and food storage areas must be kept clean. Food must be stored in a manner that prevents infestation, including any food items kept in resident rooms.
2. Eliminate potential places of harborage. In the kitchen and food storage areas loose paper, contact paper or loose shelf liners may be nesting places for insects and are not to be used. Cracks and crevices in construction, such as around wall paneling, must be effectively sealed.
3. Technical assistance to providers who continue to experience pest problems may include obtaining the services of a licensed pest control operator.

Where a pest extermination system is being used, the consultant should determine if the licensee has taken appropriate safeguards to protect residents. Special consideration is to be given to resident health conditions or behaviors placing them at risk.

(6) Poisons, caustics, and other dangerous materials shall be stored and safeguarded in nonresident areas and in non-food preparation storage areas.

Technical Assistance

The consultant is to determine, through observation and interview, that poisons, caustics and other toxic materials are properly stored so as not to be accessible to the residents. Materials are to be:

1. Away from food and food preparation areas.
2. Stored in rooms not used for food storage, if possible.
3. If they must be stored in the food storage room, they should be stored away from and not above food items.

Common problem areas to be inspected carefully include kitchens, pantries, laundry rooms/areas and bathrooms.

(7) Each habitable room shall have direct outside ventilation by means of windows, louvers, air-conditioning, or mechanical ventilation. During fly season, from April

to November, each door, openable window, or other opening to the outside that is used for ventilation purposes shall be supplied with a standard screen of not less than 16 mesh.

Technical Assistance

The consultant is to determine through observation how each room is ventilated. All rooms are to have a direct source of ventilation year round.

When mechanical ventilation systems are used, the consultant is to determine through observation that the system is operating. Filters and ducts are to be kept clean.

Where the ventilation source is a window, it is to be checked to determine that it is openable, and operable, and is tight fitting when closed. Screening must be of a small enough mesh to prevent entry of insects.

(8) Hand-washing facilities that are provided in both the kitchen and bathroom areas shall include hot and cold water, soap, and individual towels, preferably paper towels.

Technical Assistance

The consultant is to determine, through observation and interview, that there are accessible hand-washing facilities in each bathroom and the kitchen. Soap and individual towels or paper towels must be available at each hand-washing facility. Residents are not allowed to use common cloth towels, i.e., more than 1 person uses a towel.

When individual cloth towels are used, the consultant is to ask the licensee what procedures are in place to assure only one person uses a towel.

(9) When a resident is discharged, his or her room and its contents shall be thoroughly cleaned. Blankets and spreads shall be sanitized.

AFC Administrative Rule

**R 400.14402 Food Service
.15402**

Rule 402. (1) All food shall be from sources that are approved or considered satisfactory by the department and shall be safe for human consumption, clean, wholesome and free from spoilage, adulteration, and misbranding.

Technical Assistance

The consultant through interview, documentation and observation is to determine that food is from an approved source and free from spoilage, adulteration and misbranding.

The licensing consultant is to inquire as to where the home obtains meat and poultry products if they do not have store labels. Such products must be slaughtered and processed by a commercial food processor, as if for retail sales.

Observe food storage for evidence of spoilage and expiration dates.

Food that is not commercially packaged is prohibited e.g.:

- home canned foods
- packages of meat and poultry with no label or marked "not for sale" or "not for retail" (may indicate product was not commercially processed).

The following are acceptable:

- noncommercial fish and eggs
- home grown fresh or frozen vegetables and fruit
- Powdered milk which is labeled grade A and pasteurized. This may be used as a beverage, in cooking and baking. The container in which the milk is reconstituted must be covered and washed, rinsed and sanitized, between uses. Partially filled containers cannot be refilled until they are washed, rinsed and sanitized.

Administrative Rule And Statutory Cross Reference

(2) All food shall be protected from contamination while being stored, prepared, or served and during transportation to a facility

Technical Assistance

The consultant, through observation and documentation, is to determine that food is stored, prepared, served or transported in a manner that protects it from contamination. If the consultant has questions about possible contamination, he/she may contact the local health authority for technical assistance.

All foods intended for human consumption within the facility must be adequately protected against contamination from any source. Pets in the kitchen or food storage areas are discouraged.

Containers of food are to be stored above the floor, on clean racks, dollies, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

Containers of food must not be stored directly below sewer or cold water pipes unless effectively designed protection is installed under the pipes to prevent contamination by sewage leakage or water condensation on the containers of food. The licensee is also not to store food or food service utensils under sink drains. Light bulbs located above food preparation, food storage and dishwashing facilities must be protected against breakage (including refrigerators).

Food stored in open containers *must* be covered. Individual portions of food once served to a resident are not be served, again.

The requirements for storage and general protection against contamination apply to the transporting of all food, as well.

When an applicant/licensee proposes to or prepares food off site, the consultant is to request the health authority to inspect and approve the off site facilities, including preparation, transportation and serving of food. A rule variance is not required when food is prepared off site.

(3) All perishable food shall be stored at temperatures that will protect against spoilage. All potentially hazardous food shall be kept at safe temperatures. This means that all cold foods are to be kept cold, 40 degrees Fahrenheit or below, and that all hot foods are to be kept hot, 140 degrees Fahrenheit or above, except during periods that are necessary for preparation and service. Refrigerators and freezers shall be equipped with approved thermometers.

Potentially hazardous food is any perishable food which consists in whole or in part of milk and milk products, eggs, meat, poultry, fish, shell fish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Technical Assistance

Frozen food is to be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food is to be thawed at refrigerator temperatures of *40°F or below*; or under cool running water; or quick-thawed as part of the cooking process. Potentially hazardous foods are not to be thawed at room temperature.

The consultant is to observe the temperature on the thermometer in the refrigerators and freezers to assure that food is protected against spoilage. A stab type food thermometer can be used to test food temperature. The thermometer must be sanitized before use.

(4) All food service equipment and utensils shall be constructed of material that is nontoxic, easily cleaned and maintained in good repair. All food services equipment and eating and drinking utensils shall be thoroughly cleaned after each use.

Technical Assistance

The licensing consultant is to inspect the food preparation areas for cleanliness and condition including:

- Equipment - stoves, ranges, hoods, tables, counters, refrigerators, sinks, dishwashing machines and any other equipment in the kitchen.
- Tableware- multi-use eating and drinking utensils, including flatware (knives, forks and spoons). A common use drinking cup/glass at a water fixture is not permitted. Tableware with worn surfaces, cracks or chips are to be discarded, as they cannot be easily cleaned and are not in good repair.
- Single-Service Articles- Aluminum foil baking utensils, such as those used when baking pies, and similar single-service articles, must not be used more than once. Single-service articles such as paper or foam cups or plates and plastic flatware, are to be stored in closed cartons or containers, which protect them from contamination. These articles are to be used only once. The extra heavy plastic knives, forks, and spoons may be used more than once if they are in good condition and subjected to the cleaning and sanitizing processes required for other multi-use flatware.
- Utensils - may include both tableware and kitchenware used in the storage, preparation, conveying or serving of food.

Best Practice

Though not required for facilities licensed for 12 or less, consultation may be provided to licensees to have kitchen personnel follow the wash, rinse and sanitizing routines required in AFC facilities licensed for 13 or more.

The following may be accepted as Best Practice but is not required for facilities licensed for 1-12 adults.

A domestic dishwasher may be deemed acceptable if a chlorinated detergent is used, tableware and utensils are scraped and rinsed prior to being placed in the machine, and tableware and utensils are not towel dried upon removal from the machine **and/or**

A serviceable two-compartment sink for washing and rinsing of tableware and utensils is acceptable if followed by an approved sanitizing process in a container, or sink which will provide complete submersion of the tableware and utensils. Tableware and utensils are to be air dried.

All dishwashing facilities should be commensurate with the size of the items being washed.

When **manual** dishwashing or utensil washing is employed, all articles must be thoroughly washed in detergent solution, which is reasonably clean and then rinsed free of such solution. Tableware and utensils may be sanitized by one of the following:

Immersion for a period of at least one minute in a solution containing:

- a. At least 50 parts per million of available chlorine at a temperature of not less than 75°F.
- b. Any other chemical-sanitizing agent which has been demonstrated to the satisfaction of recognized health authorities to be effective and nontoxic under use conditions, and for which a suitable field test is available.

Regardless of the cleaning method employed, utensils should be permitted to completely air dry rather than be subjected to towel drying which may result in contamination.

(5) A home shall be properly equipped as required by the health authority, to prepare and serve adequate meals.

Technical Assistance

The licensing consultant is to assure, through observation, that the home is minimally equipped with the following: dishwashing facilities, stove, refrigerator, a food preparation area, and eating and cooking utensils. Homes for 7 or more must be inspected by the local health authority.

When an applicant/licensee proposes to, or prepares food off site, the consultant is to request the local health authority to inspect and approve the preparation, transportation and serving of food. A rule variance is not required when food is prepared off-site.

Note: If a home for 7 or more is planning to remodel or reconstruct the food service area, the home must submit the plans to the licensing consultant for appropriate transmittal to the health authority.

Administrative Rule And Statutory Cross Reference

Licensing Manual Item 545 – Adult Foster Care Environmental Health Facilities.

(6) Household and cooking appliances shall be properly installed according to the manufacturer's recommended safety practices. Where metal hoods or canopies are provided, they shall be equipped with filters. The filters shall be maintained in an efficient condition and kept clean at all times. All food preparation surfaces and areas shall be kept clean and in good repair.

Technical Assistance

The licensing consultant is to determine that the gas and electrical equipment are properly installed. The consultant is to inspect the hood and canopy filters visually to determine they are clean and in good working order.

Food preparation surfaces, tables, countertops and cutting boards are to be reasonably smooth; washable; readily accessible for cleaning and of such material and in such repair as to be maintained in a clean and sanitary condition. Only cutting boards in good condition are acceptable. Cutting boards with chips or cracks must be discarded.

Miscellaneous kitchen items - wall exhaust fans, any items which are essential to the kitchen operations are to be inspected for cleanliness and proper working order. Nonessential items that may contribute to poor sanitation should be kept out of the kitchen.

AFC Administrative Rule

**R 400.14403 Maintenance of premises
.15403**

**R 400.14102(q) Premises means the home, grounds, and all other appurtenances.
.15102(q)**

Rule 403. (1) A home shall be constructed, arranged, and maintained to provide adequately for the health, safety, and well-being of occupants.

Technical Assistance

The licensing consultant is to determine through observation that the home is properly constructed, arranged and maintained to provide a healthy and safe environment for the residents. Plumbing, lighting, ventilation, floor space, the minimizing of hazards and routine maintenance are to be adequate.

When evaluating compliance with this subrule, the licensing consultant is to consider the entirety of the premises as it relates to the foster care needs of the population served. Any obvious hazards to residents must be cited and corrected.

In addition, where open stairways are present, especially at entrances and egresses the licensee is to demonstrate how the protection and safety of the home's residents has been addressed to reduce the risk of injury to the home's residents. This could include the installation of a partial doorway or gate at the top of the stairway which would be high enough to prevent a resident from falling over but would not obstruct the exit by opening into a foyer. See Rule 507(2) for additional information

Oxygen Storage

This pertains only to Small Group Homes with 6 or fewer residents. The Office of Fire Safety will determine compliance for facilities licensed for 7+.

A one (1) day supply (or one canister if the canister holds more than a one day supply) is permitted in the room where it is being used. The consultant may determine the amount of a one day supply by asking the resident or the licensee

Oxygen in excess of a one (1) day supply is to be stored in a separate room used for no other purpose or storage. A rack or other fastening must be provided to protect cylinders from accidental damage or from falling over.

Smoking is prohibited in any room where oxygen is being used or stored. Such areas are to be posted with "No Smoking" signs.

In situations where the consultant questions the storage of oxygen, the consultant is to request through their area manager technical assistance from the Bureau of Construction Codes- Office of Fire Safety.

Routine Maintenance:

The interior, exterior and mechanical systems of the building must be properly maintained at all times.

The consultant is to assure proper maintainance of the interior and exterior of the facility by observing that the mortar is intact around brick or stone work;

Eavestroughs and down spouts are securely fastened and kept in good repair;

Rails and porch floors, exterior stairs and sidewalks are in good repair.

The maintenance of auxiliary buildings and the yard are to be maintained in a manner that does not present a hazard to residents.

Health, Safety and Well-being of Occupants:

It is the home's responsibility to assure that adequate toilet paper and hand washing soap for bathrooms are available at all times.

Administrative Rule And Statutory Cross Reference

R 400.14314(1); . 15314(1)

(2) Home furnishings and housekeeping standards shall present a comfortable, clean, and orderly appearance.

(3) All living, sleeping, hallway, storage, bathroom, and kitchen areas shall be well lighted and ventilated.

Technical Assistance

Consultants should rely upon their initial impressions of the lighting and their common sense when inspecting various areas of the facility. The citing of lighting violations in facilities should reflect various symptoms of the problem, such as the presence of dirt and debris, the existence of large shadow areas, and other indicators that the tasks to be accomplished by residents and staff have been made more difficult because of poor illumination.

The licensing consultant is to assure that there is adequate ventilation throughout the home. Means of ventilation includes windows and mechanical ventilation systems.

Administrative Rule And Statutory Cross Reference

R 400.14401(7)

.15401(7)

(4) A roof, exterior walls, doors, skylights, and windows shall be weathertight and watertight and shall be kept in sound condition and good repair.

Technical Assistance

The consultant is to determine, through observation and interview, that the roof, exterior walls, doors, skylights, and windows are weathertight and watertight.

Indicators that a facility may not be watertight, may include but are not limited to water stains on ceilings or walls, buckled walls, peeling paint, squishy carpeting, floors that sag, and/or standing water in the basement.

Indicators that a facility is not weathertight include but are not limited to the consultant's ability to see through cracks to the outside or feel cold air entering from the outside by means not intended in the normal construction of a house.

(5) Floors, walls, and ceilings shall be finished so as to be easily cleanable and shall be kept clean and in good repair.

Technical Assistance

Walls and ceilings must be free from holes, breaks, cracks, flaking paint or plaster, and other surfaces which make cleaning difficult. Floor moldings must be installed to fit both the floor and adjoining wall tightly. Wherever cracks or crevices of any size are found, it is possible for cockroaches, other insects and, in extreme cases, mice or young rats to establish harborage.

Where carpeting is installed in toilet rooms, bathrooms, or other high splash areas and the carpeting is not maintained in a clean condition and in good repair, the licensee is to remove the carpeting and install floor finish materials that are reasonably impervious to water and easily cleanable. Carpeting in these areas though not prohibited, should be discouraged. See Rule 400.14403(7) below.

(6) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition. Each water heater shall be equipped with a

thermostatic temperature control and a pressure relief valve, both of which shall be in good working condition.

Technical Assistance

The licensing consultant is to observe the plumbing fixtures and water and waste pipes for leakage and wear, and is to check whether the plumbing fixtures are operable (flush the toilet; run the water; check for drainage).

Flame-producing water heaters must be properly vented to the outside. All water heaters must have a temperature control and pressure relief valve.

Best Practice: A discharge pipe should also be attached to the water heater that terminates within 4 inches of floor level.

(7) All water closet compartments, bathrooms, and kitchen floor surfaces shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean condition.

Technical Assistance

The consultant should observe the home to assure that the floor surfaces are properly constructed.

Where carpet is used, it should be installed over areas that are impervious to water. Though not prohibited, carpeting in these areas should be discouraged unless the licensee can demonstrate how they are maintained in a clean condition.

Indications of problems include strong odors, cracked flooring, spongy flooring, evidence of leakage.

(8) Stairways shall have sturdy and securely fastened handrails. The handrails shall be not less than 30, nor more than 34, inches above the upper surface of the tread. All exterior and interior stairways and ramps shall have handrails on the open sides. All porches and decks that are 8 inches or more above grade shall also have handrails on the open sides.

Technical Assistance

Each stairway must have at least one handrail. Stairways with open sides must have rails on all open sides.

(9) Stairway risers and treads shall be a uniform and consistent size. Stairways that form a part of a required means of egress shall change direction at landings only.

Technical Assistance

Spiral staircases and staircases that incorporate wedge-shaped steps are not allowed.

(10) Scatter or throw rugs on hard finished floors shall have a nonskid backing.

(11) Handrails and nonskid surfacing shall be installed in showers and bath areas.

Technical Assistance

The home is to have handrails (grab bars) installed in shower and bath areas. It is recommended that at least one handrail be installed on the entry side of the bathtub or on an adjacent wall at right angles at the entry side of the tub. If the only handrail is located on the far wall across the tub so that the resident will have to reach across the tub for security when entering or leaving, the handrail would be in technical compliance. The licensing consultant is to grab the hand rails to determine that they are properly fastened and secure.

Nonskid surfacing or strips is mandatory in showers and bath areas. Removable rubber bath mats are unacceptable because they are removable.

Showers or bath tubs constructed of nonskid materials from the manufacturer are acceptable.

(12) Sidewalks, fire escape routes, and entrances shall be kept reasonably free of hazards, such as ice, snow, and debris.

Technical Assistance

The consultant is to observe that the home's sidewalks, hallways, fire escapes, and entrances are kept clear of anything that would present an obstacle to someone leaving the building. Such obstacles may include but are not limited to snow, ice, trash containers in hallways, furniture which may protrude into a passageway, loose carpeting or floor tiles, baby gates, locked doors, doors not easily opened, and other obvious hazards.

In homes with more than 2 exits the consultant should review the evacuation plan to determine the primary and secondary fire safety exits. These exits must be kept clear of all hazards, obstructions, and debris.

When a garage is used as a fire escape route, the passageway through the garage itself is to be kept clear even when the garage is used for storage of autos, lawn equipment, power tools, etc.

When conducting an on-site inspection of a 2 story home during the winter season, the consultant is to observe that the second means of egress off the second floor is clear of snow, ice, and other hazards.

(13) A yard area shall be kept reasonably free from all hazards, nuisances, refuse, and litter.

Technical Assistance

The consultant is to observe the yard surrounding the home. Broken or uneven paved walks or driveways must be repaired or removed. Decorative pools, fish ponds, swimming pools, and canals without barriers constructed around them could be hazardous, especially when it is dark. Depending upon the population served, if a yard is adjacent to a lake, pond, or has severe elevation changes, it may be necessary to require the installation of a fence to prevent injury to the resident. The licensee will need to be able to demonstrate how safety of residents will be maintained when hazards exist in the yard surrounding the facility.

Swimming Pools (Other than Public)

Technical Assistance:

Swimming pools and equipment are to be operated and maintained in accordance with the pool manufacturer's instructions. The consultant is to have the licensee demonstrate or explain how they operate and maintain the pool according to the pool's owner's manual.

Safety: A complete enclosure around the pool must be provided to prevent unauthorized individuals and animals from entering the pool area.

A safe means for entering and exiting the pool such as a ladder or stairway must be provided.

Safety equipment including a first aid kit, a rescue pole, a springboard, and a throwing rope approximately 30 feet long with a ring buoy or small float attached, are to be immediately available.

Keep glass and metal containers out of the pool area.

Electrical appliances and extension cords must be kept away from the pool area. The electrical service to the pool equipment must be installed according to the appropriate electrical code.

Slides and diving boards are not recommended.

Maintenance: The pool walls, skimmers, sides, bottom, and decking must be kept clean.

Ensure that the skimmers wires are kept in place. The pool must be vacuumed as often as needed to keep leaves, dirt, and paper out of the pool.

Best Practice:

The individual who is responsible for the operation and maintenance of the pool should attend a pool operators training session that is available from time to time through the local health department, though this is not required.

I. Recommended Equipment

The swimming pool may be provided with the following equipment to ensure proper water clarity and quality:

- A filtration pump adequately sized to turn over the entire pool water volume in less than 12 hours, or according to the manufacturer's specifications.
- A filter that is properly sized to handle the required flow rate. The filter should be equipped with a pressure gauge.
- A disinfectant chemical feeder such as the erosion type. It is not advised to put disinfectants in the skimmer or using a floating feeder because of the chemical hazard it may present to residents.
- Two main drains in the deepest part of the pool, however, a single main drain is acceptable if equipped with an anti-vortex cover.
- One or more surface skimmers to remove surface dirt and debris.
- One or more return inlets to circulate filtered water back into the pool.

II. Recommended Operation

ph

The ph is a very important measurement of the "acidity" of the swimming pool water. A ph test kit must be available and must be used as directed in the owner's manual.

Disinfection: A disinfectant must be used in swimming pool water to prevent the growth of algae, bacteria, viruses, and other harmful organisms.

A disinfectant test kit must be available and used to maintain disinfectant residuals according to ranges as instructed in the owner's manual..

In order to prevent the growth of algae, break down combined chlorine residuals which cause odors and irritations, and "burn up" foreign materials in the water, it is recommended that pool water be "shock treated." Procedures for this treatment are available from pool supply stores or the local health authority.

A log may be maintained of the ph and disinfectant test results as an indicator that a pool has received proper care. Log sheets for recording the ph and disinfectant levels are available from the Michigan Department of Community Health or local health authority.

Filtration: A filtration system must be provided to prevent an accumulation of dust, dirt, and algae in the water. The filtration system must be operated and cleaned according to the manufacturer's specifications and often enough to assure continuous filtration.

(14) Hot water pipes and steam radiators that are located in resident occupied areas shall be shielded to protect against burns.

Technical Assistance

The consultant is to observe that hot water pipes and steam radiators located in resident areas are enclosed around the open sides. The enclosure could be a 3 sided box with top that allows circulation of air and prevents touching the radiator surface.

(15) A written report shall be made to the adult foster care licensing division of the department, the resident's designated representative, and the responsible agency within 48 hours, excluding holidays and weekends, of the occurrence of any fire and property damage of more than \$5,000.00

Technical Assistance

Any fire, or property damage over \$5,000, is to serve as a signal to the consultant to evaluate the continued occupancy of the home by residents by an onsite inspection.

In situations where continued occupancy of the home is questionable, the licensing consultant is to confer with his/her Area Manager regarding the licensing action to be taken.

AFC Administrative Rule

**R 400.14404 Laundry
.15404**

Rule 404. A home shall make adequate provision for the laundering of a resident's personal laundry.

Technical Assistance

This rule does not prohibit the facility from using off site laundry services.

AFC Administrative Rule

**R 400.14405 Living space
.15405**

Rule 405. (1) A licensee shall provide, per occupant, not less than 35 square feet of indoor living space, exclusive of bathrooms, storage areas, hallways, kitchens, and sleeping areas.

Technical Assistance

This subrule applies only to those facilities licensed after the effective date (5/24/94) of these rules.

The consultant, at the time of each renewal inspection, should determine the number of occupants in the home. If:

- The number of household members has increased.

Or

- The licensee requests an increase of license capacity.

The consultant is to determine that there is sufficient living space for the number of occupants in the home.

Adult Day Care

When it has been determined that adult day care is being provided in the living space of the facility, they are to be counted as occupants when determining required living space footage.

Administrative Rule and Statutory Cross Reference

R 400.14102 (1) (o); .15102 (1) (o)

(2) A resident shall be provided with reasonable storage space for storing his or her personal belongings.

Technical Assistance

"Reasonable" means the availability of space to accommodate seasonal clothing and resident belongings. The licensee is not required to provide storage for resident belongings that can't be safely stored in the resident's bedroom.

(3) Living, dining, bathroom, and sleeping areas used by residents who have impaired mobility shall be accessible and located on the street floor level of the home that contains the required means of egress.

Technical Assistance

At the time of original and renewal application, the licensing consultant is to review the program statement and floor plan to determine whether the home will be accepting or has persons in care with impaired mobility. At the time of renewal, the consultant is to determine compliance with this subrule through observation, interview and review of resident and fire drill records. "Impaired mobility" means physical or mental conditions that prevent a resident from walking or going up and down stairs without assistance. Indicators of impaired mobility include but are not limited to:

- Use of walkers.
- Use of wheelchairs
- Use of crutches
- Use of canes
- Not oriented to time and place.

Administrative Rule And Statutory Cross Reference

See R 102(1) for definition of "Street floor"

(4) A resident shall not be housed above a second floor of a 3 story residence. This subrule shall not apply to those licensees who were approved to house residents above the second floor of a 3-story residence, who were licensed on the effective date of these rules, and whose license has been in continuous effect.

Technical Assistance

This subrule applies to those facilities licensed after the effective date (5/24/94) of these rules.

(5) Where there is a change of ownership or a change in licensee for those licensees and homes that were licensed on the effective date of these rules and whose licenses have been in continuous effect, use of living space above the second floor of a 3-story residence shall be allowed to continue without interruption when all of the following conditions have been met:

Technical Assistance

This provision allows facilities that were licensed on or before 5/24/94 and whose license has been in continuous effect to use 3rd floors for living space.

Before conducting the on-site inspection the consultant is to determine whether this subrule applies to this facility

If it does apply, the consultant is to determine that all required documentation is in place.

(a) The resident or his or her designated representative has agreed, in writing, to continue to reside above the second floor of the 3-story residence.

(b) The home is in compliance with all applicable state fire safety and environmental health standards.

(c) The licensee meets all applicable staffing requirements as set forth in R 400.15206.

(d) The licensee is in compliance with the emergency preparedness provisions as required in these rules.

(6) The living, dining, bathroom, and sleeping areas for residents shall be contained within the home.

(7) A group home shall provide 1 or more multipurpose areas of adequate size for training, recreation, family-style dining and other diversional and social activities.

(8) A home shall have dining space that can accommodate all residents of the home at the same time.

(9) The provisions of subrule (1) of this rule shall not apply to those licensees who are licensed on the effective date of these rules and whose licenses have been in continuous effect. A variance that is granted pursuant to the provisions of this rule is not transferable from one licensee to another.

Technical Assistance

This provision allows facilities that were licensed on or before 5/24/94 and whose license has been in continuous effect to use 3rd floors for living space.

Administrative Rule

**R 400.14406 Room temperature
.15406**

Rule 406. All resident-occupied rooms of a home shall be heated a temperature range between 68 and 72 degrees Fahrenheit during non-sleeping hours. Precautions shall be taken to prevent prolonged resident exposure to stale, noncirculating air that is at a temperature of 90 degrees Fahrenheit or above. Variations from the requirements of this rule shall be based upon a resident's health care appraisal and shall be addressed in the resident's written assessment plan. The resident care agreement shall address the resident's preferences for variations from the temperatures and requirements specified in this rule.

Technical Assistance

The consultant is to check the room temperature of several resident bedrooms and rooms generally occupied by residents with a thermometer to determine the temperature. The consultant is to also review the resident's Health Care Appraisal and written Assessment Plan for any special instructions related to the temperature recommendations for residents. Resident Care Agreements and Assessment Plans are to be reviewed to determine whether preferences for variations from this rule requirement have been addressed and carried out.

Please see attachment for best practices for hyper/hypothermia.

Administrative Rule and Statutory Cross Reference

R 400.14301, .15301
Resident Care Agreement
Assessment Plan
Health Care Appraisal

BEST PRACTICE
Handling Heat and Humidity in Summer Months
(May be copied and shared with licensee)

During the summer, Michigan usually experiences high temperatures coupled with high humidity. While these conditions place a strain on all of us, the elderly are particularly vulnerable. Accordingly, we are asking each facility to assess the appropriateness of the policies and procedures you have developed and implemented to ensure that you are providing necessary care and treatment during this time. In this way, we may avoid unnecessary suffering during the summer months.

Please review the following recommendations:

1. Keep the air circulating. If your facility is not air conditioned, make sure there is an adequate number of fans for resident comfort in all areas used by residents. Each fan should be routinely inspected for cleanliness and operation. Open screened windows can be used during evening hours to cool the facility, if appropriate.

If the facility is air conditioned, the system should be routinely checked to ensure proper maintenance. Filters should be cleaned or replaced on a regular basis. Hours of functioning should be adjusted to maximize the effectiveness of the system. In general, the elderly cannot tolerate temperatures that are too low so a temperature of 78 degrees, with a lower relative humidity, is recommended as adequately cool in many public facilities.

Each area of the home should be provided with a type and amount of ventilation commensurate with its use to minimize the occurrence of transmittable disease, control odors, and contribute to comfort. In a new construction, addition, major change, or conversion, the design and operation of the filtered makeup air and exhaust air systems in the kitchen and dietary area should be adequate for the comfort of employees, control of odors, and minimize the danger of disease transmission.

2. Draw all shades, blinds, and curtains in rooms when exposed to direct sunlight.

3. Remove residents from areas that are exposed to direct sunlight. Relocate residents to cooler areas in the building during the daytime hours. Also, it may be cooler outside in the shade in some instances.

4. Keep outdoor activities to a minimum. If residents are outdoors for any length of time, include adequate rest periods during activities. Remember, temperatures are hottest during the hours of 10:00 a.m. through 2:00 p.m. Discourage outdoor physical activity during these hours.

5. Check to see that residents are appropriately dressed. Clothing should be lightweight, loose fitting, and that which easily absorbs body perspiration, i.e., cotton, or other natural fibers. Residents who are confined to bed should be lightly covered with a clean, dry sheet, and positions changed on a regular basis.
6. Provide ample fluids. Excessive perspiration depletes large quantities of salt and fluid from the body. Increase the amount of water and fruit juices offered to residents. Encourage residents to drink more fluids.

Residents with circulatory or kidney problems who receive increased fluids should be monitored closely. Additional fluids and the heat and humidity may contribute to retention of fluids at a dangerous level; therefore, it is very important to check with attending physicians for specific orders. It may also be necessary to monitor the resident's weight on a daily basis, particularly for those residents where water retention creates a danger to their health.

7. Increase the number of baths given. Bathing a resident in tepid water will help reduce the body's internal temperature and increase general comfort. This can also be accomplished, although not as effectively, by soaking a person's hands and wrists in cool water.

In addition to these precautionary measures, all personnel should be aware of the signs and symptoms of heat stroke and heat exhaustion and provide continued regular monitoring and assessment. While the first symptoms of these disorders may be similar, later symptoms differ sharply.

Heat Exhaustion

Heat exhaustion, also known as heat prostration, is a disorder resulting from overexposure to heat or the sun. Long exposure to extreme heat or too much activity under a hot sun causes excessive perspiration, which removes large quantities of salt and fluid from the body. When the amount of salt and fluid in the body falls too far below normal, heat exhaustion may occur.

The early symptoms of heat exhaustion are headache and a feeling of weakness and dizziness, usually accompanied by nausea and vomiting. There may also be cramps in the muscles of the arms, legs, or abdomen. These first symptoms are similar to the early signs of sunstroke, or heat stroke, but the disorders are not the same and should be treated differently. In heat exhaustion, the person turns pale and perspires profusely, skin is cool and moist, pulse and breathing are rapid. Body temperature remains at a normal level or slightly below or above. The person may seem confused and may find it difficult to coordinate body movements.

Treatment should include removing the person to a cool environment and encouraging increased consumption of fluids. If the condition is accompanied by

cramps, the pain may be relieved by gentle massage of the painful area and the physician is to be notified promptly to obtain specific directions for care.

Heat Stroke

Heat stroke, also known as sunstroke, is a profound disturbance of the body's heat-regulating mechanism, caused by prolonged exposure to excessive heat, particularly when there is little or no circulation of air. In heat stroke there is a disturbance in the mechanism that controls perspiration. Since heat stroke is much more dangerous than heat exhaustion and is treated differently, it is important to distinguish between the two. The first symptoms of both disorders may be similar: headache, dizziness, and weakness. However, later symptoms differ sharply. In heat exhaustion, there is excessive perspiration and a normal or below normal temperature, whereas in heat stroke there is extremely high fever and absence of perspiration.

Heat stroke also may cause convulsions and sudden loss of consciousness. In extreme cases, it may be fatal.

Heat stroke is considered a medical emergency and immediate steps must be taken to prevent death. The primary objective is to reduce the body's high temperature as rapidly as possible. This can be accomplished by immersing the person in a cool water bath or sponging the person with cool water. The physician is to be contacted immediately and the resident transferred to the hospital.

Disorders of temperature regulation are particularly important, yet often unrecognized, in the elderly. Susceptibility is due to impaired homeostatic control mechanisms and to the frequency of multiple medical problems that occur with aging. Once an elderly individual develops heat illness, the prognosis is poor. Therefore, prevention is extremely important in the general care of the elderly. Many residents are unable to verbalize their discomfort. It is important to identify and monitor these residents and take extra precautions to ensure their safety.

AFC Administrative Rule

R 400.14407 Bathrooms

.15407

Rule 407. (1) Bathrooms and toilet facilities that do not have windows shall have forced ventilation to the outside. Bathroom windows that are used for ventilation shall open easily.

Technical Assistance

The consultant, through observation, is to determine that the forced ventilation system does not terminate into another closed portion of the building (basements, attics, etc.) and that the system works. If vented to the outside, the vent openings should be observable on the outside of the building. Where windows are used for ventilation, the consultant is to determine that the window opens easily.

(2) Toilets, bathtubs, and showers shall provide for individual privacy.

(3) Bathrooms shall have doors. Only positive-latching, non-locking-against-egress hardware may be used. Hooks and eyes, bolts, bars, and other similar devices shall not be used on bathroom doors.

Technical Assistance

The consultant, through observation, is to determine that bathrooms have doors and positive-latching, non-locking-against-egress hardware (i.e., hardware that can be opened from inside of a room with a single motion, such as a turn of a knob or push of a handle, even if the door itself is locked).

(4) A home shall have a minimum of 1 toilet, 1 lavatory, and 1 bathing facility for every 8 occupants of the home.

Technical Assistance

The consultant is to determine that each area used to meet this ratio must be available to all occupants of the home. Areas restricted to employees' or family members' use may not be counted in meeting this requirement. If adult day care participants are receiving care in the licensed portion of the facility, they are to be counted when determining this ratio.

Administrative Rule and Statutory Cross Reference

R. 400.14102 (1)(o)
.15102 (1)(o)

(5) At least 1 toilet and 1 lavatory that are available for resident use shall be provided on each floor that has resident bedrooms.

Technical Assistance

A resident bedroom that has a bathroom contained in it is to be considered available only to those occupants of the bedroom.

Administrative Rule And Statutory Cross Reference

R400.14405 (3), .15405(3)
R400.14408 (5), .15408(5)

(6) At least 1 bathing facility that is available for resident use shall be provided on each floor that has resident bedrooms.

Technical Assistance

A bathing facility means a tub or a shower. This rule requirement does not apply to facilities licensed on or before May 24, 1994.

A resident bedroom that has a bathroom contained in it is to be considered available only to those occupants of the bedroom.

(7) The provisions of subrule (6) of this rule shall not apply to those licensees who are licensed on the effective date of these rules and whose licenses have been in continuous effect.

Technical Assistance

This provision exempts facilities licensed on or before 5/24/94 from the requirement of subrule (6).

AFC Administrative Rule

**R 400.14408 Bedrooms generally
.15408**

Rule 408. (1) A room shall not be used as a resident bedroom if more than 1/2 of the room height is below grade, except where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building. Such acceptable bedrooms shall be provided 2 acceptable means of egress.

Technical Assistance

The Technical Assistance R 400.14408-Attachment A illustration demonstrates acceptable use of bedrooms for residents. The consultant is to discuss with the area manager if there are questions concerning compliances.

Administrative Rule and Statutory Cross Reference

R400.14507, 15507

(2) A living room, dining room, hallway, or other room that is not ordinarily used for sleeping or a room that contains a required means of egress shall not be used for sleeping purposes by anyone.

Technical Assistance

The intent of this rule is to prevent the displacement of family members and to assure that bedroom space is available for each resident.

The consultant, through interview and observation, is to determine how the rooms of the home are used to determine that bedrooms are available for use by residents and all members of the household. Where basements are used for sleeping purposes, the licensee shall provide documentation of conformance with the appropriate local building requirements.

(3) Bedrooms for residents shall be separated from halls, corridors, and other rooms by floor-to-ceiling walls that do not have openings, except for doorways.

Technical Assistance

The walls that separate resident bedrooms from halls, corridors and other rooms are intended to provide fire protection, privacy and insulation against noise from

adjacent areas. Openings must be sealed in a manner that will satisfy fire safety rules. Transoms are also prohibited.

(4) Interior doorways of bedrooms that are occupied by residents shall be equipped with a side-hinged, permanently mounted door that is equipped with positive-latching, non-locking-against-egress hardware.

Technical Assistance

Pocket doors and bi-fold doors do not meet this rule requirement.

(5) Traffic to and from any room shall not be through a resident bedroom.

(6) For 2 adjoining rooms to be considered as 1 bedroom, there shall be a 7-foot horizontal opening between the rooms.

Technical Assistance

The consultant is to observe and measure as necessary to determine that closets, alcoves, and the like are not used as resident bedrooms. When 2 adjoining rooms are used as 1 bedroom, the 7 foot horizontal opening is to be clear and unobstructed.

(7) Bedrooms shall have at least 1 easily openable window.

Technical Assistance

The consultant is to determine through observation, that a resident bedroom has a window and that the window is easily openable. Non-movable or locked bars, coverings or other obstructions on windows are not allowed and must be removed if present.

(8) Residents of the opposite sex shall not occupy the same bedroom for sleeping purposes, unless they are husband and wife.

(9) A resident who has impaired mobility shall not sleep in or be assigned a bedroom that is located above the street floor of the home.

Administrative Rule And Statutory Cross Reference

R400.14102(1)(w), .15102 (1)(w)

R400.14318(1), .15318(1)

R400.14405(3), .15405(3)

AFC Administrative Rule

**R 400.14409 Bedroom space; "usable floor space" defined
.15409**

The consultant is to measure and record the bedroom dimensions in the licensing study report at original licensure or addendum to the LSR when changes in room useage occur.

Rule 409. (1) As used in this rule, "usable floor space" means floor space that is under a ceiling which is not less than 6 feet, 6 inches in height, excluding closets and space that is under a portable wardrobe. When determining usable floor space, an alcove or any other part of the room that does not have at least a 7-foot horizontal dimension shall be excluded.

Technical Assistance

The consultant should observe the home for slanted ceilings or other obstructions that could affect the amount of required usable floor space. If ceilings are sloped to less than 6' 6" from the floor, the consultant will need to establish at what point the ceiling meets the height requirement and measure floor space within that perimeter and exclude areas with less than 7 feet of horizontal space.

(2) A single occupancy bedroom shall have not less than 80 square feet of usable floor space.

Technical Assistance

The consultant is to observe and measure single occupancy resident bedrooms to determine compliance with the 80 sq. ft. of usable floor space requirement.

(3) A multi occupancy resident bedroom shall have not less than 65 square feet of usable floor space per bed.

Technical Assistance

The consultant is to observe and measure multi occupancy resident bedrooms to determine compliance with the 65 sq. ft. of usable floor space requirement.

(4) A maximum of 2 beds shall be allowed in any multi-occupancy bedroom, except as provided in subrule (5) of this rule.

Technical Assistance

This rule applies to facilities licensed after 5/24/94..

Administrative Rule and Statutory Cross Reference

R 400.14409 (7)

.15409 (7)

(5) A maximum of 4 beds shall be allowed in any multi-occupancy bedroom for those licensees and homes that were licensed on the effective date of these rules and that have had licenses in continuous effect.

Technical Assistance

The intent of Rule 409(5) is to grandfather those homes licensed on or before May 24, 1994, which have up to 4 beds in a multi occupancy bedroom to continue to use the multi occupancy bedroom for up to the number of beds approved on or before May 24, 1994. Therefore, if a resident moves out of a 3 or 4 bed bedroom, another resident can use that third or fourth bed. Homes cannot increase bed capacity to 3 or more beds in a bedroom not approved for more than 2 beds on or before 5/24/94.

(6) Where there is a change of ownership or a change in licensee for those licensees and homes that were licensed on the effective date of these rules and whose licenses have been in continuous effect, a maximum 4 beds shall be allowed in any multi occupancy bedroom when all of the following conditions have been met:

This rule applies to facilities licensed on or before 5/24/94.

The consultant is to determine whether this subrule applies to this facility. If it does apply, the consultant is to determine that all required documentation is in place for original and renewal licensure.

(a) The resident or his or her designated representative has agreed, in writing, to continue to reside in the multi occupancy room.

(b) The home is in compliance with all applicable state fire safety and environmental health standards.

(c) The multi occupancy bedroom provides not less than 70 square feet (65 square feet for those homes licensed on or before December 31, 1976) of usable floor space per bed. "Usable floor space" means the floor space under a ceiling that is not less than 6 feet 6 inches in height.

(d) The licensee has made provision for individual privacy as required in these rules.

Administrative Rule And Statutory Cross Reference

R400.14303(4)(d), .15303(4)(d)

(7) There shall not be less than a 3-foot clearance between beds in a multi occupancy bedroom.

Technical Assistance

The consultant is to observe the resident bedrooms and room arrangements to determine there is a 3-foot clearance between beds. Where the 3-foot clearance cannot be met, the number of approved beds needs to be reduced or rearranged.

AFC Administrative Rule

**R 400.14410 Bedroom furnishings
.15410**

Rule 410. (1) The bedroom furnishings in each bedroom shall include all of the following:

This rule is not meant to preclude a resident from bringing some personal furnishings. However the licensee must assure compliance with the requirements of this rule.

- (a) An adequate closet or wardrobe.**
- (b) Lighting that is sufficient for reading and other resident activities.**

Technical Assistance

The consultant, is to take into consideration the age and visual needs of residents.

- (c) A bureau or dresser or equivalent.**
- (d) At least 1 chair.**

(2) A resident bedroom shall be equipped with a mirror that is appropriate for grooming.

Technical Assistance

The mirror should be mounted at a height usable for the resident, accessible, and large enough to facilitate grooming. Non breakable mirrors are available for situations where residents break mirrors.

(3) Provision shall be made for a resident to mount or hang pictures or decorative items on his or her bedroom walls.

Technical Assistance

The intent of this subrule is to allow residents to personalize their bedroom space. Licensees do not have to provide pictures or other wall decoration.

(4) All of the following shall not be used by residents for sleeping:

- (a) Roll-a-way beds.**

- (b) Cots.**
- (c) Double-deck beds.**
- (d) Stacked bunks.**
- (e) Hide-a-beds.**
- (f) Daybeds.**

Technical Assistance

Variations to these items need to be discussed with the Area Manager.

(5) A licensee shall provide a resident with a bed that is not less than 36 inches wide and not less than 72 inches long. The foundation shall be clean, in good condition, and provide adequate support. The mattress shall be clean, comfortable, in good condition, well protected, and not less than 5 inches thick or 4 inches if made of synthetic materials. The use of a water bed is not prohibited by this rule.

Technical Assistance

If it has been determined and agreed to in the Resident Care Agreement and/or resident assessment, to be safe for the resident to sleep in a bed at floor level, this would not be a violation of this rule.

AFC Administrative Rule

R 400.14411 Linens

.15411

Rule 411. (1) A licensee shall provide clean bedding that is in good condition. The bedding shall include 2 sheets, a pillow case, a minimum of 1 blanket, and a bedspread for each bed. Bed linens shall be changed and laundered at least once a week or more often if soiled.

(2) A licensee shall provide at least 1 standard bed pillow that is comfortable, clean, and in good condition for each resident bed.

(3) A licensee shall provide bath towels and washcloths. Towels and washcloths shall be changed and laundered not less than twice weekly or more often if soiled.

**PART 5. FIRE SAFETY; HOMES LICENSED OR PROPOSED TO BE LICENSED AFTER
MARCH 27, 1980**

General Guidance

**FULL COMPLIANCE WITH FIRE SAFETY RULES IS REQUIRED FOR THE
ISSUANCE OF A TEMPORARY OR REGULAR LICENSE**

AFC HOMES FOR 7 OR MORE:

The consultant should note that the Bureau of Construction Codes & Fire Safety is responsible for the promulgation of fire safety rules for and inspection of adult foster care homes with a capacity of 7 or more. A licensee may not be issued a license until the home for 7 or more has been issued a certificate of approval by the Bureau of Construction Codes & Fire Safety. For further clarification please refer to Licensing Manual Appendix 220.10 - Fire Safety Inspections of AFC Facilities.

Administrative Rule And Statutory Cross Reference

See Section 11 and 20 of Act 218, P.A. of 1979, as amended

AFC Administrative Rule

R 400.14501 Applicability

Rule 501. This part applies only to those adult foster care small group homes for 6 or less that are licensed or proposed to be licensed after March 27, 1980.

Guidance

To facilitate consistency in the interpretation of "conversion" by adult foster care licensing staff, the following definition of "conversion" contained in R 400.18103(f) of the Adult Foster Care Fire Safety Rules for 7+ promulgated July 21, 1994, by the State Fire Safety Board is to be applied.

"Conversion" means to change the purpose for which a building, a room, or an area is designed. This definition includes changes to an existing licensed facility as well as an existing unlicensed building being converted to an adult foster care facility.

Note: These requirements will be applicable to new small group home applicants, change of ownership, new construction and conversions only.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

R 400.14502 Home environment

Rule 502. All occupied rooms shall be of standard lath and plaster construction or its equivalent.

Technical Assistance

Although the intent of this rule is environmental safety, there are fire safety implications as the rule stands. However, the rule refers to construction, not to interior finish. Please see attached Illustration A for an example of a properly constructed wall and Illustration B for an example of types of home construction.

Through observation, the consultant is to assure that all interior construction is at least of standard lath and plaster, dry wall or masonry construction.

"Occupied rooms" means all rooms used in the facility for activities of daily living; e.g., sleeping, dining, cooking, recreation, etc. No area of the facility is excluded from this requirement.

"Standard lath and plaster" means dry wall on studs or wet plaster or material consistent with the construction of the building.

"Equivalent" means any material not prohibited by another rule which gives a room an enclosed finished look.

Mobile Homes: Mobile homes converted to adult foster care homes must comply with all fire safety requirements the same as homes of conventional construction.

Full compliance with this rule is necessary prior to the issuance of an original license.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

R 400.14503 Interior finishes and materials, generally

Rule 503. (1) Interior finish materials shall be at least class C materials throughout the adult foster care small group home.

Guidance

Interior finish materials are to be a minimum Class C throughout the home.

The term “throughout” as used in this requirement means the entire home including all rooms, basements, and attached garages.

Any other materials covering the basic interior construction, such as wood or vinyl paneling, ceiling tiles, or the like, must minimally meet the class "C" classification. Documentation from the manufacturer's literature provided by the licensee may meet compliance with this requirement, or it may be stamped on the material.

The coating of paneling to achieve a Class “C” finish is prohibited for group home applicants, change of ownership, new construction or conversions, since it is not possible for consultants to determine whether the coating was applied and maintained in a manner that would achieve a Class “C” rating. Interior finishes that have been coated with a fire retardant coating and previously approved that are located in existing licensed homes are acceptable. For those group homes, the consultant is to obtain information from the licensee as to what has been done to maintain the coating at each interim and renewal inspection.

Generally, applied fire retardant coatings do not maintain their effectiveness when washed or when brushed up against often, so as to wear off the coating. Fire retardant coatings are to be reapplied on a routine basis as required by the manufacturer’s specifications.

The consultant should make observations to assure that roof leaks have not caused the fire retardant coating to become wet, that it is not peeling off, that it has not become faded or dull in appearance, and that the coating was adequately applied to cover the interior finish, all of which could reduce the integrity of the coating.

Where conditions indicate that an applied fire retardant coating has become wet or has been washed, has begun to peel off, has not been applied to completely cover the area needing coverage, etc., reapplication of the same approved fire retardant coating as originally applied would be acceptable. If this is not possible, the interior finish would need to be covered or replaced with an approved interior finish material meeting a minimum class "C" interior finish rating on its own i.e.: without the application of an approved fire retardant coating.

To assure that the fire retardant coating was applied in accordance with the manufacturer's instructions, the consultant must read the label of the product applied. .

(2) Interior finish materials shall be securely attached to, or furred out no more than 1 inch from, walls or ceilings that are dry wall, plaster, masonry, or natural solid wood that is not less than 3/4 of an inch thick.

Guidance

Rule 503(2) is intended to be applied to all occupied areas of the home and does not apply to unoccupied areas.

(3) The attaching of interior finish materials, other than dry wall, plaster, or natural solid wood that is not less than 3/4 of an inch thick, directly to wall studs or to floor or ceiling joists is prohibited. Suspended ceilings constructed of a class A material that is 1/4 inch or greater in thickness and installed in accordance to manufacturers specifications shall be permitted.

Guidance

The consultant should observe that the interior finish materials meet these requirements. Special attention should be given to finished basements that may have been remodeled or constructed by the home owner.

(4) Class A, B, and C materials are interior finish materials that have the following minimum characteristics:

Class	Flame Spread	Smoke Developed
A	0-25	0-450
B	26-75	0-450
C	76-200	0-450

Guidance

Documentation from the applicant/licensee may confirm the interior finish materials meet these requirements.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule**R 400.14504 Interior finish of walls and ceilings; prohibited materials.**

Rule 504. All of the following materials shall not be used as interior finish in a home:

- (a) Asphalt paper.**
- (b) Cork.**
- (c) Cardboard.**
- (d) Carpeting, whether or not treated with fire retardant.**
- (e) Foam plastics.**
- (f) Plastic materials.**

Guidance

The use of plastic materials as interior finish in a home may be acceptable if they meet the interior finish requirements of R 503 of these rules and provided they are installed as tested. Documentation from the appropriate testing laboratory provided by the licensee to the consultant may confirm compliance.

Plastic "Kydex" wall covering could be acceptable in adult foster care homes as an approved interior finish if installed in the appropriate thickness and as tested by Underwriters Laboratory. There may be interior finish materials manufactured as a "Kydex" brand that have not been tested by Underwriters Laboratory. Please see attachment "A" for specific thickness and flame/smoke test information taken from the Building Materials Directory produced by Underwriters Laboratory.

If the consultant has any further questions regarding the use of "Kydex" he/she should consult with their Area Manager.

- (g) Other finish materials that will contribute to the rapid spread of fire or give off dense smoke or toxic gases.**

Guidance

The materials mentioned in this rule and any other like materials are not to be used for wall, windows or ceiling coverings or be used in place of the usual finishing materials, such as paneling or dry wall.

Carpeting is not to be used as wall covering.

A small group home having the aforementioned materials in the home is to remove them and replace them with materials suitable for the purpose, i.e., painted walls, dry wall or ceiling tile.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule**R 400.14505 Smoke detection equipment**

Rule 505. (1) At least 1 single-station, battery-operated smoke detector shall be installed at the following locations:

- (a) Between the sleeping areas and the rest of the home. In homes that have more than 1 sleeping area, a smoke detector shall be installed to protect each separate sleeping area.**
- (b) On each occupied floor, in the basement, and in areas of the home that contain flame - or heat-producing equipment.**

Guidance

A single-station smoke detector is an independent unit that is generally more effective when mounted on a ceiling. Such a unit requires no special wiring; it may be plugged into an ordinary A-C outlet, or may be battery-powered.

The consultant is to observe that smoke detectors that are present in the areas specified in subrule (1)(a)(b), have batteries, are operable, and are in good working order (clean, not cracked or broken exterior, etc.). The consultant may ask the licensee/applicant to test the detectors to demonstrate that they are operable.

Smoke detectors located in areas of the home that contain flame or heat producing equipment are to be located in accordance with the manufacturer's recommendations.

- (2) Approved heat detectors may be installed in place of smoke detectors in the kitchen or bathroom and in other areas of the home that contain flame - or heat-producing equipment.**

Guidance

A heat detector may be used in place of a smoke detector in areas of the home containing heat-or-flame producing equipment where dust particles and extreme temperature and humidity changes could interfere with a smoke detector's efficiency. Areas of the home where heat detectors could be installed include the kitchen, furnace room, garage, or in some cases, the bathroom.

If heat detectors are used, the consultant is to observe that they are located in the areas specified in subrule (2), that they are operable, and that they are in good working order (clean, not cracked or broken exterior, etc.). The consultant may request that the license/applicant test the unit to confirm that it is operable.

Heat detectors in areas of the home that contain flame or heat producing equipment are to be located in accordance with the manufacturer's recommendations.

- (3) The batteries of battery-operated smoke detectors shall be replaced in accordance with the recommendations of the smoke or heat detection equipment manufacturer.**

(4) Detectors shall be tested, examined, and maintained as recommended by the manufacturer.

Guidance

The intent of this rule is to require that the licensee maintain the home's smoke detectors in working order.

Administrative Rule And Statutory Cross Reference

See R 204(3)(f) for further information regarding staff responsibility for the proper operation of the smoke detection system.

(5) Detectors that are mounted on ceilings shall be spaced 6 inches or more away from any walls. Detectors that are mounted on walls shall be between 6 and 12 inches away from the ceiling. A smoke detector shall not be mounted where ventilation systems or other obstructions keep smoke away.

Guidance

The consultant, through observation, is to assure that detectors are properly mounted as required.

(6) For new construction, conversions, and changes of category, approved smoke detectors shall be installed in accordance with the requirements contained in the publication of the national fire protection association entitled "NFPA 101," Life Safety Code, 1988, shall be powered from the building's electrical system, and, when activated, shall initiate an alarm that is audible in all sleeping rooms with the door closed. Detectors shall be installed on all levels, including basements, but excluding crawl spaces and unfinished attics. Additional detectors shall be installed in living rooms, dens, dayrooms, and similar spaces.

Guidance

As indicated in the Guidance to R 501 and R 503 of these rules, "conversion" means to change the purpose for which a building, a room, or an area is designed. This definition includes changes to an existing unlicensed building being converted to an adult foster care facility. Any changes in licensee, regardless of whether the facility has been continuously licensed or not, is a conversion, and requires the installation of the smoke detection system in to the buildings electrical system.

This subrule also applies to homes that fall under new construction, conversion, change of category or change of licensee. (5/1/95) For additions added to existing licensed homes, only the addition needs to meet the requirements of Rule 505(6). Battery operated smoke detectors may remain in the existing portion of the home.

When required, smoke detection devices must be installed at the following locations:

- o On all levels of the facility including basements, (does not include crawl spaces or unfinished attics).

- o Outside but in the immediate vicinity of each separate sleeping area.
- o In living rooms, dens, day rooms and similar spaces.

NOTE: This does not mean 100% coverage of the facility.

The consultant is to make sure that the alarms are placed in the home according to Rule 505(6).

Hard wire fire alarm systems for AFC facilities with 1-6 residents do not require a battery backup. Extra features such as pull stations or a display panel are not required by this rule.

Single station heat detectors may be used in addition to the required smoke detection system in areas of the home where coverage is required or additionally desired

Wireless Alarm Systems:

The National Fire Code, NFPA 72, 1993 Edition, acknowledges low power wireless household fire warning systems in Chapter 2, Household Fire Warning Equipment. The SFMO policy further states "The equipment shall be listed by an approved testing laboratory to meet the standard UL 985, Household Fire Warning Systems Units."

It is recommended that the system be installed and maintained according to the manufacture's specifications.

Administrative Rule And Statutory Cross Reference

See DOP 86-04 that transmits the March 6, 1986 Declaratory Ruling issued by the Department regarding Section 21 of PA 218 of 1979, as amended.

AFC Administrative Rule

R 400.14506 Fire extinguishers

Rule 506 (1) A minimum of 1 underwriters laboratories approved 2A 10BC extinguisher or equivalent shall be provided for use in a small group home on each occupied floor and in the basement.

(2) Fire extinguishers shall be examined and maintained as recommended by the manufacturer.

Guidance

Through interview and observation, the consultant is to assure that fire extinguishers are present, are operable, and that the licensee and direct care staff know how to operate the extinguisher(s), as required by Rule 400.14204(3)(f).

A 5-pound multi-purpose fire extinguisher is equivalent to an extinguisher with a rating of 2A 10BC.

"Occupied floor" means those areas of the home containing bedrooms, dining rooms, and recreation/activity rooms occupied by residents or members of the household.

Full compliance with this rule is necessary prior to the issuance of an original license.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

R 400.14507 Means of egress generally

Rule 507 (1) A means of egress shall be considered the entire way and method of passage to free and safe ground outside a small group home.

Guidance

If one of the required exits from the home is through a garage, it is not required that the entrance to the garage be equipped with a 1-3/4 inch thick solid wood door. It is also not required that a corridor be built to provide a protected means of egress through the garage.

Required means of egress are further described in subrules (3) and (4) below.

(2) A means of egress shall be arranged and maintained to provide free and unobstructed egress from all parts of a small group home.

Guidance

A means of egress is an unobstructed passageway from anywhere in the building leading to safe ground outside the building.

Such obstacles may include trash containers in hallways, furniture which may protrude into a passageway, loose carpeting or floor tiles, baby gates, locked doors, and other obvious hazards.

Note: Partial doorways (i.e., “Dutch door arrangements” or gate, etc.) that are constructed for an open stairway(s) must not interfere with the pathway to the exit. For example, a gate or doorway would have to open into the stairwell and not obstruct the exit by opening into a foyer.

Safe Passage Through the Garage: The passageway through the garage itself is to be kept clear, even when the garage is used for storage of automobiles, lawn equipment, power tools, dog kennels, etc.

Administrative Rule And Statutory Cross Reference

(3) Where basements are regularly used for resident activities, there shall be 2 approved exits, 1 of which shall lead directly to the outside.

Guidance

A basement is defined as that floor or story of a building below the main living floor which has more than 50% of its floor to ceiling dimension below grade for more than 50% of the perimeter of the building. See Illustration.

When a basement is regularly used by residents for recreation, workshops, classes, watching TV, general lounging, smoking, etc., the basement must have two acceptable ways out. Regular use

does not include occasional entry by a resident to the basement for a short period of time to do laundry, to obtain something from storage, to feed the dog, etc.

The two acceptable means of egress must be situated as follows:

- One means of egress is to go directly outside at grade.
- The second means of egress may be an interior stairway which terminates on the floor above.

These two means of egress are to be as far apart as feasibly possible.

Basements used in times of emergency by AFC residents does not constitute regular use and would not require two means of egress when used for those circumstances. However, if the basement is used by AFC residents for regular use, as previously detailed, then compliance with the rule requiring a second means of egress is required.

(4) The first floor of a small group home shall have not less than 2 separate and independent means of egress leading to the outside.

Guidance

Means of egress are independent and separate when reasonably remote from each other so as to enable one to proceed to safe ground in more than one direction.

The first floor of a small group home is defined as that floor on which the main activities of daily living take place, which is designated by entries and exits and is not below grade more than 50% of the floor-to-ceiling dimension for more than 50% of the perimeter of the building. See Illustration.

Two Exits Required:

If the first floor has more than two exits, the third exit may not be subject to the rules regarding exiting or the rules regarding hardware because only two exits are required.

However, the evacuation plans mandated by these rules are to designate which are the required exits to be used.

Split Level Family Home:

In the case of bi-levels, tri-levels, or quad-level homes, two different levels will be considered one story, if the difference in elevation between the two levels does not exceed four (4) feet.

(5) A door that forms a part of a required means of egress shall be not less than 30 inches wide and shall be equipped with positive-latching, non-locking-against-egress hardware.

The "30 inches" in this rule refers to the dimensions of the door itself, not the door jam. Passageways should be at least 30 inches wide and are to be kept clear of anything that would present an obstacle to someone leaving the building.

Exiting Out of the Garage: If a required means of egress passes through a garage, the intent of the rule demands that exit from the garage be through a *positive-latching* door equipped with non-locking against egress hardware.

Exiting Through Sliding Glass Doors: The rules do not prohibit the use of exterior sliding glass doors as a means of egress. The latching/locking mechanism must be simple and easily released, and installed by manufacturer or in a similar manner. The door may not be secured by wedges, charlie bars, key locking mechanisms, dead bolts, etc. This would apply to exiting from a garage also.

Bathroom door requirements are contained in Rule 400.14407 (3).

(6) Occupied room door hardware shall be equipped with positive-latching, non-locking-against-egress hardware.

Guidance

Doors which are part of the passageway from any occupied room in the building, must be equipped with hardware that can be opened with a single motion, such as a turn of a knob or push of a handle, even if the door itself is locked.

(7) Stairways shall have sturdy and securely fastened handrails that are not less than 30, nor more than 34, inches above the upper surface of the tread. Exterior and interior stairways shall have handrails on the open sides. Porches shall also have handrails on the open sides.

Guidance

Stairs:

An interior series of steps does not need handrails if it is of three risers or less. A riser is defined as the upright member between two stair treads or a level surface and a stair tread. A riser is usually 7-3/4 inches.

Porches:

All porches and decks that are 8 inches or more above grade shall also have handrails on the open sides.

Administrative Rule And Statutory Cross Reference

R 400.14403 (8)

AFC Administrative Rule

R 400.14508 Means of egress; sleeping areas

Rule 508. (1) A resident bedroom shall have 1 outside window for emergency rescue. The window for emergency rescue is not required if a room opens onto a corridor with 2 means of egress and the corridor has a door that leads directly to the outside.

(2) A window shall be openable from the inside without the use of tools or special knowledge.

Guidance

In order for an outside window to be considered adequate for emergency rescue it must be openable from the inside without the use of tools. The licensing consultant is to open the window to assure the window is openable.

(3) An emergency window is not required if the room has a door that leads directly to the outside.

Guidance

If a room has a sliding glass door leading directly to the outside, the sliding glass door should have a locking mechanism that is the simple release lock installed by the manufacturer or a similar mechanism. No door should be secured with wedges, "charlie bars," key-locking devices, dead-bolts, etc.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule**R 400.14509 Means of egress, wheelchairs**

Rule 509. (1) Small group homes that accommodate residents who regularly require wheelchairs shall be equipped with ramps that are located at 2 approved means of egress from the first floor.

(2) The slope of ramp shall not be more than 1 foot of rise in 12 feet of run and shall terminate on a firm surface or solid unobstructed ground which will allow the wheelchair occupant to move a safe distance away from the building. Ramps shall have handrails on the open sides and be constructed in accordance with the requirements specified in Section 816.0 of the BOCA National Building Code, 1990, eleventh edition.

(3) Doors that form a part of a required means of egress shall be in compliance with the requirements of R 400.14507.

Guidance

This rule requirement applies to any small group home providing care to a resident(s) who uses a wheelchair.

Those small group homes which provide care to residents who use wheelchairs must have both of the required means of egress equipped with ramps if exit doors are elevated above grade level. The passageway to safe exiting shall meet the BOCA National Building Code by being wide enough to provide a clear opening that is at least 32 inches wide, to allow passage of a wheelchair, and not contain steps or risers.

A ramp is defined in the context of this rule as an incline or decline constructed without steps or risers so as to provide 12 feet of run for every one foot in vertical incline. For example, a ramp constructed in decline to ground level from an exit doorway two feet above ground level would be 24 feet in length.

Ramp construction: A copy of Section 816 - Ramps of the BOCA National Building Code/1990 Eleventh Edition, and Sections 808 and 825 which are referenced in Section 816, are attached for your information.

Administrative Rule And Statutory Cross Reference

SECTION 816.0 RAMP'S

816.1 Capacity: The capacity of a ramp used as a *means of egress* component shall be computed in accordance with Section 308.0.

816.2 Minimum dimensions: The minimum dimensions of *means of egress* ramps shall comply with Sections 816.2.1 through 816.2.3.

816.2.1 Width: The minimum width of a *means of egress* ramp shall not be less than that required for corridors by Section 810.3.

816.2.2 Headroom: The minimum headroom in all parts of the *means of egress* ramp shall not be less than 6 feet 8 inches (2032 mm).

816.2.3 Restrictions: *Means of egress* ramps shall not reduce in width in the direction of egress travel. Projections into the required ramp and landing width are prohibited except for handrails and stringers. Doors opening onto a landing shall not reduce the clear width to less than 42 inches (1067 mm).

816.3 Maximum slope: The maximum slope of *means of egress* ramps shall be one unit vertical in eight units horizontal (1:8); except ramps required in accordance with Section 512.0 for persons with physical handicaps, in which case the maximum slope shall be: one unit vertical in eight units horizontal (1:8) if the rise is limited to 3 inches (76 mm); one unit vertical in ten units horizontal (1:10) if the rise is limited to 6 inches (152 mm); or one unit vertical in 12 units horizontal (1:12) otherwise.

816.4 Landings: Ramp slopes of one unit vertical in 12 units horizontal (1:12) or steeper shall have landings at the top, bottom, all points of turning, entrance, exit and at doors but not less than at each 12 feet (3658 mm) of vertical rise. Ramps required in accordance with Section 512.0 for persons with physical handicaps shall not have a vertical rise greater than 30 inches (762 mm) between landings. The least dimension of a landing shall not be less than the required width of the ramp except that the landing dimension in the direction of travel is not required to exceed 4 feet (1219 mm) where the travel from one ramp to the next ramp is a straight run.

816.5 Guards and handrails: Guards shall be provided on both sides of the ramp and shall be constructed in accordance with Section 824.0. Handrails conforming to Section 825.0 shall be provided on at least one side of every ramp having a slope greater than one unit vertical in 15 units horizontal (1:15). Ramps required by Section 512.0 for persons with physical handicaps shall have handrails on both sides of the ramp whenever the vertical rise between landings exceeds 6 inches (152 mm).

816.6 Ramp construction: Ramps used as an exit shall conform to the applicable requirements of Section 817.9 as to materials of construction and enclosure.

816.6.1 Surface: For all slopes exceeding one unit vertical in 12 units horizontal (1:12) and wherever the use is such as to involve danger of slipping, the ramp shall be surfaced with approved slip-resistant materials.

817.9 Stairway construction: All stairways shall be built of materials consistent with the types of materials permitted in Table 401 for the type of construction of the building; except that wood handrails shall be permitted for all types of construction. Such stairways shall have solid treads and landing platforms, and all finish floor surfaces shall be of slip-resistant materials.

SECTION 825.8 HANDRAILS

825.1 General: Where required by the provisions of Sections 612.2, 811.5.1, 816.5, 817.6.5 and 817.7, handrails shall be designed and constructed in accordance with this section and Section 1109.8. A handrail is a horizontal or sloping rail grasped by hand for guidance or support, and for arresting falls on the adjacent walking surface.

825.2 Handrail details: Handrail-gripping surfaces shall be continuous, without interruption by newel posts, other structure elements or obstructions. A handrail and any wall or other surface adjacent to the handrail shall be free of any sharp or abrasive elements. The clear space between the handrail and the adjacent wall or surface shall not be less than 1 1/2 inches (38 mm). Edges shall have a minimum radius of 1/8 inch (3 mm).

825.2.1 Projection: Handrails shall not project more than 3 1/2 inches (89 mm) into the required passageway, aisle, *corridor*, stair or ramp width.

825.2.2 Height: Handrails shall not be less than 34 inches (864 mm) nor more than 38 inches (965 mm), measured vertically, above the nosing of the treads or above the finished floor of the landing or walking surfaces.

Exceptions

1. Handrails that form part of a guard shall have a height not less than 34 inches (864 mm) and not more than 42 inches (1067 mm).
2. Handrails within individual *dwelling units* shall not be less than 30 inches (762 mm) nor more than 38 inches (965 mm), measured vertically, above the nosings of the treads or above the finished floor.

825.2.3 Handrail ends: Except for *stairways* within a *dwelling unit*, handrails shall extend at least 12 inches (305 mm) beyond the top riser and at least 12 inches (305 mm) plus the depth of one tread beyond the bottom riser. At the top, the handrail extension shall be parallel to the walking surface. At the bottom, the handrail shall continue to slope for a distance of the depth of one tread from the bottom riser, with the remainder parallel to the walking surface. The handrail ends shall be returned to a wall or post. Handrails between runs of stairs shall be continuous around newel posts or shall terminate 12 inches (305 mm) beyond the last riser as required in this section.

825.2.4 Handrail grip size: All *stairway* handrails shall have a circular cross section with an outside diameter of at least 1 1/4 inches (32 mm) and not greater than 2 inches (51 mm).

Exceptions

1. Any other shape with a perimeter dimension of at least 4 inches (100 mm), but not greater than 6 1/4 inches (158 mm) with the largest cross-sectional dimension not exceeding 2 1/4 inches (57 mm).
2. Approved rails of equivalent graspability.

825.2.5 Handrails of alternating tread stairways: Stair handrails of *alternating tread stairways* shall be of such a configuration as to provide an adequate hand-hold for a person grasping the handrail to avoid falling. A minimum dis-

tance of 6 inches (152 mm) shall be provided between the stair handrail and any other object. A minimum distance of 12 inches (305 mm) shall be provided between the stair handrails of adjacent *alternating tread stairways*. Handrails on *alternating tread stairways* shall be spaced a minimum width of 17 inches (432 mm), not to exceed 24 inches (610 mm), between the handrails.

SECTION 808.2 CAPACITY OF EGRESS COMPONENTS

808.1 General: The capacity of *means of egress* for a floor, balcony, tier or other occupied space shall be sufficient for the occupant load thereof.

808.2 Minimum width: The width of each *means of egress* component shall not be less than the width computed in accordance with Table 808.2 for the required capacity of the component, but not less than the minimum width as prescribed by this code for each such component.

Table 808.2
EGRESS WIDTH PER OCCUPANT

Use group	Without sprinkler system (inches per person) ^a		With sprinkler system ^b (inches per person) ^a	
	Stairways	Doors, ramps and corridors	Stairways	Doors, ramps and corridors
A, B, E, F, M, R, S	0.3	0.2	0.2	0.15
H	0.3	0.2	0.3	0.2
I-1	0.4	0.2	0.3	0.2
I-2	1.0	0.7	0.6	0.5
I-3	0.3	0.2	0.3	0.2

Note a. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 1004.2.1 or 1004.2.2.

Note b. 1 inch = 25.4 mm.

808.3 Exit design per floor: Where *exits* serve more than one floor, only the occupant load of each floor considered individually shall be used in computing the required capacity of the *exit* at that floor, provided that the *exit* capacity shall not decrease in the direction of *means of egress* travel.

808.4 Egress convergence: Where *means of egress* from floors above and below converge at an intermediate floor, the capacity of the *means of egress* from the point of convergence shall not be less than the sum of the two.

810.3 Width: The minimum required width of passageways, *aisle accessways*, *aisles* and *corridors* shall be determined by the most restrictive of the following criteria:

1. 44 inches (1118 mm) where serving an occupant load of greater than 50.
2. 36 inches (914 mm) where serving an occupant load of 50 or less.
3. 96 inches (2438 mm) in buildings of Use Group I used for the movement of beds.
4. 72 inches (1829 mm) in buildings of Use Group E with more than 100 occupants.
5. The width required for capacity as determined by Section 808.0.

Aisles and *aisle accessways* shall conform to the requirements of this section or Section 811.0.

AFC Administrative Rule

R 400.14510 Heating equipment generally

Rule 510. (1) Heat shall be provided by an approved central heating plant or a permanently installed electrical heating system that is approved by a nationally recognized testing laboratory that use acceptable testing methods.

Technical Assistance

An approved heating plant is defined as a central heating system that disperses heat throughout the building via pipes or ducts. This central heating system can be fueled by oil, gas, electricity, or solid fuel (wood or coal).

(2) A furnace, water heater, heating appliances, pipes, wood-burning stoves and furnaces, and other flame or heat-producing equipment shall be installed in a fixed or permanent manner and in accordance with a manufacturer's instructions and shall be maintained in a safe condition.

Technical Assistance

Clothes dryers must be properly vented to the outside with metal (no aluminum or vinyl) duct work.

(3) Where conditions indicate a need for inspection, heat-producing equipment shall be inspected by a qualified inspection service. A copy of the written approval from the qualified inspection service shall be submitted to the department and a copy shall be maintained in the adult foster care small group home and shall be available for department review.

Technical Assistance

If the consultant observes or has reason to believe there may be a problem with the heating equipment they should request that the licensee obtain an inspection.

AFC homes for 6 or less **are exempt** from biennial boiler inspections by the Boiler Division required by Public Act 290 of 1965 – the Boiler Act. Boilers in AFC homes for 6 or less **do need** to be installed/repaired by an individual licensed under Public Act 290.

Biennial boiler inspections by the Boiler Division are required for AFC facilities for 7 or more residents under Act 290. (The adult foster care fire safety rules for 7 or more also require biennial boiler inspections.)

Installation and repair of boilers in AFC homes with 7 or more residents need to be conducted by an individual licensed under Act 290 and also need to be inspected by the Boiler Division.

A “certificate” is issued by the Boiler Division for facilities where the boiler has passed the biennial inspection. In the case of installations and repairs, the Boiler Division only issues a permit (i.e., no certificate).

If AFC licensing staff has any concerns about the validity of a certificate or the safety of a boiler he/she should contact the Bureau of Construction Codes and Fire Safety Boiler Division.

Fireplaces: For 6 or Less only

The licensee must be able to demonstrate to the consultant that home chimney safety has been maintained. Frequency of chimney cleaning is dependent on the frequency of use.

Fireplaces of masonry construction or factory-built fireplaces will be acceptable as a means of supplemental heat only if they are equipped with an approved spark screen or glass shield.

The installation or construction or use of fireplaces in sleeping areas or hazardous areas will not be approved.

Fireplace Defined:

A fireplace is generally defined as a unit composed of a hearth, a fire chamber or similar prepared place and a chimney. There are two basic kinds:

1. Factory-Built – a fireplace composed of factory-built components which have been tested by a recognized testing laboratory, such as Underwriters’ Laboratories or Factory Mutual, assembled in accordance with the terms of the manufacturer’s recommendations. Free standing wood-burning stoves have installation directions permanently affixed to their exterior.
2. Masonry Fireplace – a hearth and fire chamber of solid masonry units such as brick, stoves or reinforced concrete, provided with a suitable chimney.

Administrative Rule and Statutory Cross Reference

See BRS Publication 33 regarding heating with wood.

Refer to R403 (6) regarding the installation of electric water heaters and trash burning incinerators (2/1/95).

(4) Hot water pipes and steam radiators that are located in resident-occupied areas shall be shielded to protect against burns.

Technical Assistance

See R404 (14) Guidelines for this subrule.

(5) Portable heating units shall not be permitted.

Technical Assistance

A portable heating device (space or room heater) is specifically designed for direct heating of the space around which it is located and has no external return and supply heat ducts. Such devices are not to be used in a small group home.

Administrative Rule and Statutory Cross Reference

AFC Administrative Rule**R 400.14511 Flame producing equipment; enclosures**

Rule 511. (1) If the heating plant is located in the basement of a small group home, standard building material may be used for the floor separation. Floor separation shall also include at least 1 3/4-inch solid core wood door or equivalent to create a floor separation between the basement and the first floor.

(2) Heating plants and other flame-producing equipment located on the same level as the residents shall be enclosed in a room that is constructed of material which has a 1-hour-fire-resistance rating, and the door shall be made of 1 3/4-inch solid core wood. The door shall be hung in a fully stopped wood or steel frame and shall be equipped with an automatic self-closing device and positive-latching hardware.

Guidance

This Guidance applies to subrules (1) and (2).

If the heating plant is in a basement not regularly used for resident activities, compliance requires a floor separation between the basement and the first floor. A floor separation is effected by installing a 1-3/4" solid wood core door or equivalent with an automatic self-closing device between the basement and the first floor, and by closing other vertical openings; i.e., laundry chutes, open grates, and balloon construction of older facilities, etc.

The consultant should observe that the door is positive latching and equipped with an operable self-closing device. At the time of renewal, the consultant should observe the furnace room door to assure proper operation, that no modifications to the enclosure have been made, and that the enclosure materials have not deteriorated.

The self-closer can be pneumatic, spring hinge closer, spring loaded hinge, weighted closer, or other closing devices that will accomplish the purpose of closing and latching the door when it is released from any position. A coiled screen door spring is not an acceptable closer.

Heating Plants:

If the heating plant is in a basement regularly used for resident activities, the heating plant must be enclosed as required by subrule (2) and a floor separation (meeting the criteria outlined in subrule (1) between the basement and the first floor, must be available.

Where heat plants are required to be enclosed, sufficient clearance must be provided for servicing on all sides. Such rooms are to be constructed of at least one (1) hour fire resistance rated construction. This can be accomplished by installing fire rated dry wall or lath and plaster on both sides of wood stud partitions and one thickness for the ceiling enclosure. "Fire rated" is defined as 1/2 of an inch or 5/8 of an inch in thickness. If 1/2 of an inch thickness is used, the material should be labeled "Rated". Material that is 5/8 of an inch thick does not have to be labeled

"Rated". Partitions and ceilings must be tightly fitted around doors, pipes, ducts, etc., and all joints sealed so as to be fire and smoke tight.

(3) A permanent outside vent that cannot be closed shall be incorporated in the design of heating plant rooms so that adequate air for proper combustion is assured.

The combustion air must be directly from the outside through noncombustible ductwork with a permanently opened vent and ducted to approximately 12" off the floor. If the heat plant room contains an outside wall, adequate combustion air may be provided through a louvered permanent opening or a permanently opened window.

Combustion air openings must be at least equal to the combined diameter of all exhaust vent openings for the flame-producing equipment in the enclosure, or at least one (1) square inch of opening for each 4,000 BTU's produced, or as specified by the manufacturer.

(4) Combustible materials shall not be stored in rooms that contain heating equipment, a water heater, an incinerator, or other flame-producing equipment.

Guidance

Combustible materials refers to those materials which catch fire, burn, or smolder, when subjected to various degrees of heat. Such materials would include, but are not limited to, flammable liquids, paper, cloth, wood, plastic, vinyl, leather, etc.

Storage of combustibles is not permitted in one-hour rated enclosures.

If there is no heat plant enclosure and the heat plant and/or flame-producing water heater is located in an open area in the basement, then any storage of combustible materials must be located as far away from the units as possible but no closer than 4 feet to that heating unit or water heater.

Flammable Liquids: Flammable liquids are to be stored in metal containers of sound construction with screw-top or spring-top lids. Flammable liquids are not to be kept in glass or plastic containers. Gasoline must be stored in a clearly marked red safety container. Flammable liquids are not to be stored near flame-producing equipment or appliances.

Administrative Rule And Statutory Cross Reference

See Licensing Manual Appendix 220.10.2 - Fire Safety Inspections of Small Group Homes (1-6) and Appendix 220.10.4 - Fire Safety Inspections of County Infirmaries.(1-6).

AFC Administrative Rule**R 400.14512 Electrical service**

Rule 512. (1) The electrical service of a home shall be maintained in a safe condition.

Guidance

It is not the intent of this rule to routinely require electrical inspections of new or existing facilities. A consultant who is not able to determine whether the electrical service is in a safe condition may request an electrical inspection.

In providing consultation to the applicant/licensee, the licensing consultant may suggest, but not require, that a Ground Fault Circuit Interrupter (G.F.C.I.), be installed in bathrooms and kitchens, if the outlet is within six (6) feet of a water source.

A G.F.C.I. is to be installed in an electrical outlet or in a circuit breaker box. The G.F.C.I. prevents a surge of electricity from going into an electrical appliance, which could cause an electrical shock or fire. **NOTE: THIS IS A RECOMMENDATION ONLY.**

(2) Where conditions indicate a need for inspection, the electrical service shall be inspected by a qualified electrical inspection service. A copy of the written approval from the qualified inspection service shall be submitted to the department and a copy shall be maintained in the adult foster care small group home and shall be available for department review.

Guidance

Conditions indicating a need for inspection may include but are not limited to:

- o the age of the construction
- o the need for extensive use of extension cords
- o bare, frayed, or spliced wiring
- o hot fuse boxes
- o regular brown outs
- o continually blown fuses
- o covers off receptacles and switches
- o oversized fuses

A "qualified electrical inspection service" is the Michigan Department of Consumer and Industry Services' Electrical Division, the local electrical inspection authority, an electrical contractor, or a licensed electrician.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

R 400.14601 Scope

Rule 601. R 400.2231, .2233, .2242, .2243, .2244, .2246, .2347, .2361 shall only apply to adult foster care small group homes for 6 or less which were licensed effective March 27, 1980, and which meet the requirements of section 21 of the act.

Guidance

This part is in accordance to the provisions of Section 21 of Act 218 and contains those fire safety rules applicable to adult foster care homes licensed on or before March 27, 1980, the effective date of Act 218, the Adult Foster Care Facility Licensing Act.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

R 400.2231 Home environment.

Rule 231. All occupied rooms shall be of standard lath and plaster construction or equivalent.

Guidance

Although the intent of this rule is environmental safety, there are fire safety implications as the rule stands. However, the rule refers to construction, not to interior finish.

"Occupied rooms" means all rooms used in the facility for activities of daily living; e.g., sleeping, dining, cooking, recreation, etc.

"Standard lath and plaster" means dry wall on studs or wet plaster on lath or material consistent with the construction of the building.

"Equivalent" means any material not prohibited by another rule that gives a room an enclosed finished look.

Mobile Homes: Mobile homes converted to adult foster care homes must comply with all fire safety requirements the same as homes of conventional construction.

Full compliance with this rule is necessary prior to the issuance of an original license.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

R 400.2233 Bedrooms.

Rule 233. A room shall not be used as a bedroom where more than one-half the room height is below grade, except where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building. Such acceptable bedrooms shall be provided with 2 acceptable means of egress.

Guidance

Where basements are used for sleeping purposes, such use is to be in conformance with the appropriate local building requirements.

Administrative Rule And Statutory Cross Reference

See P.A. 218, Sec. 33

AFC Administrative Rule

R 400.2242 Interior finishes and materials.

Rule 242. Paper, cardboard, asphalt paper or other highly flammable material shall not be used for the interior finish of a building.

Guidance

These materials and any other like materials are not to be used for wall, ceiling, or floor covering or to be used in place of the usual finishing materials used in the construction of a room such as wood studs, paneling, lath and dry wall, etc.

Carpeting is not to be used as a wall covering

A facility having the aforementioned materials in the home is to remove them and replace them with materials suitable for the purpose; i.e., painted walls, dry wall or ceiling tile.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule**R 400.2243 Exits.**

Rule 243. (1) A means of egress shall be considered the entire way and method of passage to free and safe ground outside a building. Means of egress shall be maintained in unobstructed, easily traveled condition at all times. Where basements are regularly utilized for resident activities, there shall be 2 acceptable means of egress. Doors which form a part of a required means of egress shall be equipped with positive-latching, nonlocking-against-egress hardware and shall be at least not less than 36 inches in width in new construction, and not less than 30 inches in width in existing facilities and shall insure adequate egress for residents requiring wheelchairs, including ramps where necessary.

Guidance

A means of egress is that passageway from anywhere in the building leading to the ground level outside the building

Passageways should be at least 30 inches wide and are to be kept clear of anything that would present an obstacle to someone leaving the building. The 30 inches refers to the dimensions of the door itself. Such obstacles may include trash containers in hallways, furniture which may protrude.

A basement is that floor or story of a building below the main living floor which has more than 50% of its floor-to-ceiling dimension below grade for more than 50% of the perimeter of building-

When a basement is regularly used by residents for recreation, workshops, classes, watching TV, general lounging, smoking, etc., the basement must have two ways out. Regular use does not include occasional entry by resident to the basement for a short period of time to do the laundry, to obtain something from storage, to feed the dog, etc.

Adult foster care residents seeking refuge in single egress basements in times of emergencies does not constitute regular use and does not require two means of egress from the basement. However, if the basement is used by adult foster care residents for regular use, as previously detailed, then compliance with the rule requiring a second means of egress is required.

The two acceptable means of egress must be situated as follows: One is to open directly to the outside or through an enclosed interior stairway which provides a protected means of egress directly outside at grade. The second means of egress may be an interior stairway that terminates on the floor above.

These two means of egress are to be as far apart as feasibly possible.

Safe Passage Through the Garage: The passageway through the garage itself is to be kept clear, even when the garage is used for storage of automobiles, lawn equipment, power tools, dog kennels, etc.. Flammable liquids are not to be stored near flame-producing equipment or appliances.

Rule 243. (2) The first floor of a family home shall have at least 2 separate and independent means of egress leading to the outside.

Rule 243. (3) In new or remodeled family homes, corridors shall lead directly to the outside or to required stairways having egress directly outside at grade level.

Guidance

The first floor of a small group home is defined as that floor on which the main activities of daily living take place, which is designated by entries and exits and is not below grade more than 50% of the floor-to-ceiling dimension for more than 50% of the perimeter of the building.

Means of egress are independent and separate when reasonably remote from each other so as to enable one to proceed to safe ground in more than one direction.

Exiting Through Garages: If one of the required exits from a home is through a garage, it is not required that the entrance to the garage be equipped with a 1-3/4 inch thick solid wood door. It is also not required that a corridor be built to provide a protected means of egress through the garage.

If the first floor has more than two exits, the third exit may not be subject to the rules regarding exiting or the rules regarding hardware because only two exits are required. However, the evacuation plans mandated by these rules are to designate which are the required exits to be used.

Split Level Family Home: In the case of bi-levels, tri-levels, or quad-level family homes, two different levels will be considered one story, if the difference in elevation between the two levels does not exceed four (4) feet.

Rule 243. (4) Occupied room and exterior door hardware shall be positive latching, and nonlocking against egress.

Guidance

"Occupied rooms" means all rooms used in the facility for activities of daily living; e.g., sleeping, dining, cooking, recreation, etc.

Doors which are part of the passageway from anywhere in the building which may be resident occupied, must be equipped with hardware that can be opened with a single motion, such as a turn of a knob or push of a handle, even if the door itself is locked.

Exterior doors are those doors located at the exits of the building through which occupants of the building pass to safe ground outside the building.

Positive latching non-locking against egress hardware is defined as the mechanism on a door which assures that by means of a catching action a door will not swing freely when in the closed position, and that an occupant of a room while on his/her way to safe exiting from the room or from the building can make the exit by a single motion of a knob or the single push of a lever, even though the door may be locked from the other side.

Screen Doors: Exterior doors do not include screen doors or storm doors if such doors are equipped with the simple release hardware provided by the manufacturer or similar hardware not requiring special tools or special knowledge to open. However, dead-bolt locks, chain locks, hook-and-eye locks and any similar lock are prohibited on screen doors and storm doors.

Locking Against Ingress: Those resident occupied rooms having doors which lock against ingress must be discussed with the applicant or licensee in terms of possible obstacles to his/her responsibilities for evacuation, supervision and personal care.

Types of Locks Prohibited: The requirement for non-locking against egress hardware implies a prohibition against chain locks, dead-bolt locks, hook-and-eye locks, and other assorted paraphernalia which may be used to secure doors which are a part of a required means of egress.

Exiting Out of the Garage: If a required means of egress passes through a garage, the intent of the rule demands that exit from the garage be through a positive latching door equipped with non-locking against egress hardware.

Rule 243. (5) New and existing family homes accommodating residents who regularly require wheelchairs shall be equipped with ramps located at primary and secondary means of egress. A ramp shall not exceed 1 foot of rise in 12 feet of run.

Guidance

Those facilities that provide care to residents who use wheelchairs must have both of the required means of egress equipped with ramps if exit doors are elevated above grade level.

A ramp is defined in the context of this rule as an incline or decline constructed without steps or risers so as to provide 12 feet of run for every one foot in vertical rise. For example, a ramp constructed in decline to ground level from an exit doorway two feet above ground level would be 24 feet in length.

The passageway to safe exiting must comply with Rule 400.2233(1).

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule**R 400.2244 Heating.**

Rule 244. (1) Except as provided herein, a family home shall be heated by an approved heating plant. If the heating plant is located in the basement of a family home, standard building material is sufficient for the floor separation which shall include at least 1 3/4 inches solid wood core door or equivalent to create a floor separation between the basement and the first floor. If the heating plant is on the same level with the residents, the furnace room shall be separated from the remainder of the building with materials that will afford a minimum 1 hour protected enclosure. A permanent outside vent which cannot be closed shall be incorporated in the design of heating plant rooms so that adequate air for proper combustion is assured. Space heaters are prohibited.

Rule 244. (2) Factory Mutual and Underwriter's Laboratories approved permanent, fixed type electrical heating, such as recognized panel or baseboard fixed type may be utilized in any location. In existing homes where an American Gas Association approved sealed combustion wall heater has been installed in accordance with both the AGA and manufacturer's recommendations, approval will be given if the unit is located on an outside wall, obtains combustion air directly from the outside and vents products of combustion directly to the outside.

Rule 244. (3) Flame producing water heaters or incinerators shall be installed with the same protection as a heating plant.

Guidance

An approved heating plant is defined as a central heating system using steam or hot water through pipes or forced air through ducts to spread heat throughout the building. This central heating system can be fueled by oil, gas or solid fuel (wood or coal).

The central heating system must be properly installed according to the specifications of the manufacturer. The system must be maintained in a good safe condition.

A **portable heating device** (space or room heater) is specifically designed for direct heating of the space around which it is located and has no external return and supply heat ducts. Such devices are not to be used in a family home.

If the **heating plant** is in a basement not regularly used for resident activities, compliance requires a floor separation between the basement and the first floor. A floor separation is effected by installing a 1 3/4" solid core wood door between the basement and the first floor, and by closing other vertical openings; i.e., laundry chutes, open grates, etc.

The consultant should observe that the door is positive latching and equipped with an operable self-closing device. At the time of renewal, the consultant should observe the furnace door to assure proper operation, that no modifications to the enclosure have been made, and that the enclosure materials have not deteriorated.

If the heating plant is in a basement regularly used for resident activities, the heating plant must be enclosed as required by subrule (1) and a floor separation (meeting the criteria outlined in subrule (1) between the basement and the first floor), must be available.

Where heat plants are required to be enclosed, sufficient clearance must be provided for servicing on all sides. Such rooms are to be constructed of at least one (1) hour fire residence rated construction. This can be accomplished by installing fire rated dry wall or lath and plaster on both sides of wood stud partitions and one thickness for the ceiling enclosure. "Fire rated" is defined as 1/2 of an inch or 5/8 of an inch in thickness. If 1/2 of an inch thickness is used, the material should be labeled "Rated". Material that is 5/8 of an inch thick does not have to be labeled "Rated". Partitions and ceilings must be tightly fitted around doors, pipes, ducts, etc., and all joints sealed so as to be fire and smoke tight.

The self-closer can be pneumatic, spring hinge closer, spring loaded hinge, weighted closer, or other closing devices that will accomplish the purpose of closing and latching the door when it is released from any position. A coiled screen door is not an acceptable closer.

The combustion air must be direct from the outside through noncombustible ductwork with a permanently opened vent and ducted to approximately 12" of the floor. If the heat plant room contains an outside wall adequate combustion air may be provided through a louvered permanent opening or a permanently opened window.

Combustion air openings must be at least equal to the combined diameter of all exhaust vent openings for the flame-producing equipment in the enclosure, or at least one (1) square inch of opening for each 4,000 BTU's produced, or according to the manufacturer's instructions.

Rule 244. (4) Storage of combustible materials is prohibited in rooms containing the heating plant, water heater or incinerator.

Guidance

Combustible materials refers to those materials which will catch fire, burn, or smolder, when subjected to various degrees of heat. Such materials would include, but not be limited to paper, cloth, wood, plastics, vinyl, leather, etc.

Water heater means flame-producing water heater.

Storage in an Enclosure: Storage of combustibles is not permitted in one-hour rated enclosures.

Storage Near Heat Plant: If there is no heat plant enclosure and the heat plant and/or flame-producing water heater is located in an open area in the basement, then any storage of combustible materials must be located as far away from the units as possible but no closer than 4 feet to that heating unit or water heater.

Flammable Liquids: Flammable liquids are to be stored in metal containers of sound construction with screw-top or spring-top lids. Flammable liquids are not to be kept in glass or

plastic containers. Gasoline must be stored in a clearly marked red safety container. Flammable liquids are not to be stored near flame-producing equipment or appliances.

Administrative Rule And Statutory Cross Reference

See Licensing Manual Appendix 220.10.1

AFC Administrative Rule

R400.2245 Fire extinguishers.

Rule 245. A minimum of one 5-pound multi-purpose fire extinguisher or equivalent shall be provided for use in a small group home on each occupied floor and in the basement.

Guidance

Through interview and observation, the consultant is to assure that fire extinguishers are present, are operable, and that the licensee and direct care staff know how to operate the extinguisher to comply with Rule 400.14204(3)(f).

A 5-pound multi-purpose fire extinguisher is equivalent to one with a rating of 2A:10BC.

"Occupied floor" means those areas of the home containing bedrooms, dining rooms, and recreation/activity rooms occupied by residents or members of the household.

Administrative Rule And Statutory Cross Reference

AFC Administrative Rule

R 400.2246 Electrical service.

Rule 246. Electrical service shall be maintained in a safe condition. Where conditions indicate a need for inspection, and on all new or remodeled projects, the electrical service shall be inspected by a qualified electrical inspection service and a copy of the inspection report shall be submitted to the department.

Guidance

Conditions indicating a need for inspection may include but are not limited to:

- o the age of the construction
- o the need for extensive use of extension cords
- o bare, frayed, or spliced wiring
- o hot fuse boxes
- o regular brown outs
- o continually blown fuses
- o covers off receptacles and switches
- o oversized fuses.

A “Qualified electrical inspection service” is the Michigan Department of Consumer & Industry Services’ Electrical Division, the local electrical inspection authority, an electrical contractor or a licensed electrician.

Administrative Rule And Statutory Cross Reference

Licensee Name: _____

() ORIGINAL

Facility Name: _____

() RENEWAL

Date of Inspection: _____

**ADULT FOSTER CARE LICENSING
FIRE SAFETY WORKSHEET - GROUP HOME 1-6**

FIRE SAFETY: Before 3/80		YES	NO	COMMENTS
R243(1)	Exits - Nonlocking Against Egress (Door width 30" and 36")			
R244(1)	Heat Plant - Basement Solid Core Door			
R244(1)	Heat Plant - Main Floor One-Hour Protection			
R245	Fire Extinguishers - One 5 lb. per Floor			
R246	Electrical Service - Qualified Inspector			
R361	Posted Emergency Plan and Floor Plan			

FIRE SAFETY: After 3/80		YES	NO	COMMENTS
R503(1)	Interior Finish - Class "C" Materials			
R505(1)	Smoke Detectors - Each Floor, Heating Producing Rooms, Sleeping Areas			
R506(1)	Fire Extinguishers - One Per Floor			
R511(1)	Heat Plant - Basement - Solid Core Door			
R511(2)	Heat Plant - Resident living Area One-Hour Protection (Self Closure)			
R512(2)	Electrical Services - Qualified Inspector			
R507(5)	Door Hardware - Nonlocking Against Egress			
R508	One Bedroom Window for Emergency Rescue (Unless two means of egress from corridor)			
R509(1)	Wheelchair Ramp (if applicable)			
R510(2)	Proper Installation of Heat Producing Equipment			
R507(2)	Exits Unobstructed			

FIRE SAFETY: Post 5/24/94 - Must also meet 3/80 Rules.		YES	NO	COMMENTS
R505(6)	Hard Wired Smoke Detection System			

Office of Children & Adult Licensing-Adult Foster Care Licensing Division

Facility Name:	License #:
Licensee Name:	Date:

Item #	REQUIRED FORM ELEMENT		SG/LG	In Compliance	
	(If an element is NOT in compliance, enter comments in Section II on the back)		Home Rule	YES	NO
1	Facility Name				
2	Address				
3	Facility License Number				
4	Name of Person Involved (Employee, Resident or Visitor)		R311(6)(a)		
5	Date of Accident or Incident		R311(6)(b)		
6	Time of Accident or Incident		R311(6)(b)		
7	Place Accident or Incident Occurred		R311(6)(b)		
8	Cause of Accident or Incident		R311(6)(b)		
9	Effect of Accident or Incident on Person/s		R311(6)(c)		
10	Care Given to Person		R311(6)(c)		
11	Extent of Injuries		R311(6)(e)		
12	Treatment Ordered		R311(6)(e)		
13	Disposition of Person (Outcome)		R311(6)(e)		
14	Corrective Measures Taken to Prevent This From Happening Again		R311(6)(f)		
15	Persons Notified (Or Notification Attempted) by Telephone or In Writing		R311(1)(3) (5)(6)(d)		
	A. Designated Representative	By Telephone - Date: Time:			
		In Writing - Date:			
	B. Responsible Agency	By Telephone - Date: Time:			
		In Writing - Date:			
	C. AFC Licensing	In Writing - Date:			
		D. Police	Date: Time:		
	E. Health Professional(Name):	By Telephone – Date: Time:	R 310(4)		
		In Person Date: Time:			
	F. Other (Name):	By Telephone – Date: Time:			
16	Signature of Person Completing Form (Licensee or Agent) Date		R311(1)(5)		

SECTION II - COMMENTS REGARDING NO ANSWERS FROM THE FRONT:

Cite Item Number and Enter Comments:		
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
Substitute Form Is:	Signature of AFC Licensing Consultant	Date
<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED		

INSTRUCTIONS FOR APPROVAL OF SUBSTITUTE FORM REQUESTS

- 1. The consultant is to discuss the procedure regarding substitute form approval with the licensee and ay provide the licensee this checklist (OCAL 2319A) for approving a substitute form. This checklist can serve as a technical assistance tool to assist the licensee in the development of the substitute form.
 - 2. The consultant receives a request for a substitute form.
 - 3. Any proposed substitute form submitted is to be reviewed by the consultant using this checklist to ensure all rule-required items are included on the proposed substitute form.
 - 4. If any “**No**” box is checked, an entry is to be made in the comment section for those items.
 - 5. This checklist must have **ALL** “**Yes**” boxes checked for the consultant to approve the substitute form and check “**Approved**” on this form. If there are, any “**No**” boxes checked, the consultant is to indicate, “**Not Approved.**” The consultant is to sign and date the form.
 - 6. If the proposed form **is approved**, the consultant is to maintain a copy of this checklist I with a copy of the substitute form attached in the licensing file. The licensee is to be provided with a copy of this form approving the substitute form and the approved substitute form as confirmation of the approval.
- Note:** If the licensee has facilities assigned to other consultants the consultant receiving the request is to assure, that when completed, the other consultants are provided with copies of this form and the form submitted for approval.
- 7. If the proposed substitute form is **not approved**, the checklist along with the consultant’s comments and the unapproved form is to be sent to the licensee or applicant for revision.
 - 8. No proposed substitute form is to be approved until all rule-requirements are met.

AUTHORIZATION FOR A SUBSTITUTE TO: AFC-RESIDENT CARE AGREEMENT (OCAL-3266A)

Department of Human Services

Office of Children & Adult Licensing-Adult Foster Care Licensing Division

SEE REVERSE SIDE FOR COMPLETE INSTRUCTIONS

Facility Name:	License #
Licensee Name:	Date:

SECTION I - RULE COMPLIANCE:

Item #	TITLE OR DESCRIPTION OF REQUIRED FORM ELEMENT (If an element is NOT in compliance, enter comments in Section II below)	SG/LG Home Rule	In Compliance	
			YES	NO
1	Name of Licensee			
2	License Number			
3	Address of Home			
4	At the time of admission a Resident Care Agreement shall be completed by the licensee, that specifies the responsibilities of each party. This agreement is to be renewed at least annually or more often if necessary.	R301 (6) R301 (9)		
5	Name of Resident/ or Designated Representative (if applicable)	R301 (6)		
6	An agreement to provide personal care, supervision, and protection..	R301 (6)(a) R303 (2)		
7	Assurance of transportation services (as indicated in written assessment and Resident Care Agreement.	R301 (6)(a) R303 (3)		
8	Description of transportation services provided at extra cost.	R301 (6)(d)		
9	Description of services to be provided and fee for the services.	R301 (6)(b)		
10	Description of costs in addition to the basic fee.	R301 (6)(c)		
11	An agreement by the resident, representative, or responsible agency to provide the necessary information to the licensee, including health-related information at the time of admission.	R301 (6)(e)		
12	An agreement by the resident or representative to provide a current health care appraisal as required by R301 (10)	R301 (6)(f)		
13	An agreement by the resident to follow house rules, as provided (if applicable)	R301 (6)(g) R302 (2)		
14	An agreement by the licensee to respect and safeguard resident rights.	R301 (6)(h) R304 (2)		
15	A written copy of the Adult Foster Care Resident Rights given to resident.	R301 (6)(h) R304		
16	An agreement between the licensee and the resident or representative to follow the home's discharge policy.	R301 (6)(i) R302		
17	A statement of the home's refund policy or the fact that they have been given or received the refund policy.	R301 (6)(j) R315 (14)		
18	A description of how resident funds will be handled and how incidental needs will be met.	R301 (6)(k) R315 (1-13)		
19	Statement by the licensee that the home is licensed to provide Adult Foster Care	R301 (6)(l)		
20	A copy shall be given to the resident or representative. A copy shall be kept in the resident's file.	R301 (8)		
21	A licensee shall afford a resident the opportunity to receive assistance in bathing, dressing, or personal hygiene from a member of the same sex, unless otherwise stated in the home's admission policy or written resident care agreement.	R314 (6)		

22	Signatures and Dates	R301 (8)(9) R102 (1)(g)		
A	Resident			
B	Designated Representative, if applicable			
C	Licensee or Designee			
D	Responsible Agency, if applicable			

SECTION II - COMMENTS REGARDING NO ANSWERS FROM ABOVE:

Cite Item Number and Enter Comments:

Substitute Form Is:

☐ APPROVED

☐ NOT APPROVED

Signature of AFC Licensing Consultant

Date

INSTRUCTIONS FOR APPROVAL OF SUBSTITUTE FORM REQUESTS

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2. The consultant receives a request for a substitute form.
3. Any proposed substitute form submitted is to be reviewed by the consultant using this checklist to ensure all rule-required items are included on the proposed substitute form.
4. If any **No** box is checked, an entry is to be made in the comment section for those items.
5. This checklist must have **ALL** **“Yes”** boxes checked for the consultant to approve the substitute form and check **“Approved” on this form**. If there are, any **“No”** boxes checked, the consultant is to indicate, **“Not Approved.”** The consultant is to sign and date the form.
6. If the proposed form **is approved**, the consultant is to maintain a copy of this checklist with a copy of the substitute form attached in the licensing file. The licensee is to be provided with a copy of this form approving the substitute form and the approved substitute form as confirmation of the approval.

Note: If the licensee has facilities assigned to other consultants the consultant receiving the request is to assure, that when completed, the other consultants are provided with copies of this form and the form submitted for approval.

7. If the proposed substitute form is **not approved**, the checklist along with the consultant's comments and the unapproved form is to be sent to the licensee or applicant for revision.

No proposed substitute form is to be approved until all rule-requirements are met.

Authority: Act 218 of 1979, as amended
Attachment: Proposed Substitute Form
OCAL-3266A (3/05)

The Department of Human Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs or disability. If you need assistance in reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

AUTHORIZATION FOR A SUBSTITUTE TO: AFC-HEALTH CARE APPRAISAL (OCAL-3947)

Department of Human Services

Office of Children & Adult Licensing-Adult Foster Care Licensing Division

SEE REVERSE SIDE FOR COMPLETE INSTRUCTIONS

Facility Name:	License #
Licensee Name:	Date:

SECTION I - RULE COMPLIANCE:

Item #	TITLE OR DESCRIPTION OF REQUIRED FORM ELEMENT (If an element is NOT in compliance, enter comments in Section II below)	SG/LG Home Rule	In Compliance	
			YES	NO
1	Resident Name	R301(10) R310		
2	Date of Examination	R301(10)		
3	Printed Name and Title of Physician or Other Health Care Professional Completing the Form	R102(1)(j)		
4	Signature/Date of Physician or Other Health Care Professional	R301(10)		
5	A Licensed Physician's, Licensed Physician's Assistant, or Registered Nurse's Statement that Provides an Assessment of the General Physical Condition of a Resident.	R102(1)(j)		
6	Medications/Instructions	R310(1)(a)		
7	Special Diets/Instructions	R310 (1)(b) R313(3)		
8	Susceptibility to Hypo/Hyperthermia and Related Limitations for Physical Activity	R310(1)(c)		
9	Other Resident Health care Needs That Can Be Provided in the Home	R310(1)(d)		
10	OPTIONAL: Release of General Medical Information: "By signing this form, I understand that I am authorizing the release of medical information concerning me to the licensee and licensee's staff, the responsible agency, and the Michigan Department of Consumer and Industry Services, Bureau of Regulatory Services, for the purpose of providing appropriate care to me and determining compliance with licensing rules."			
11	OPTIONAL: HIV/AIDS/ARC Release , if used, must contain the following wording: "By signing this form, I understand that I am authorizing the release of medical information concerning me, including information regarding Acquired Immunodeficiency Syndrome (AIDS), AIDS Related Complex (ARC), or Human Immunodeficiency (HIV), if applicable, to the licensee and licensee's staff, the responsible agency, and the Michigan Department of Consumer and Industry Services, Bureau of Regulatory Services, for the purpose of providing appropriate care to me and determining compliance with licensing rules", the signature of the Resident or his/her Legal Guardian is also required.			

SECTION II - COMMENTS REGARDING NO ANSWERS FROM ABOVE:

Cite Item Number and Enter Comments:

Substitute Form Is: <input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED	Signature of AFC Licensing Consultant	Date
--	---------------------------------------	------

Authority: Act 218 of 1979, as amended
Attachment: Proposed Substitute Form
OCAL-3947A (3/05)

The Department of Human Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs or disability. If you need assistance in reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

SEE INSTRUCTIONS ON OTHER SIDE

INSTRUCTIONS FOR APPROVAL OF SUBSTITUTE FORM REQUESTS

1. The consultant is to discuss the procedure regarding substitute form approval with the licensee and may provide the licensee this checklist (OCAL 2319A) for approving a substitute form. This checklist can serve as a technical assistance tool to assist the licensee in the development of the substitute form.
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Authority: Act 218 of 1979, as amended
Attachment: Proposed Substitute Form
OCAL-3947A (3/05)

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AUTHORIZATION FOR A SUBSTITUTE TO: AFC-RESIDENT FUNDS & VALUABLESPART II (OCAL-2319A)

Department of Human Services
Office of Children & Adult Licensing-Adult Foster Care Licensing Division

SEE REVERSE SIDE FOR COMPLETE INSTRUCTIONS

Facility Name:	License #:
Licensee Name:	Date:

SECTION I - RULE COMPLIANCE:

Item #	REQUIRED FORM ELEMENT (If an element is NOT in compliance, enter comments in Section II on the back)	SG/LG Home Rule	In Compliance	
			YES	NO
1	Resident Name	R315 (9)		
2	Facility Name	R315 (3)		
3	Facility License Number	R315 (3)		
4	Time Period Covered	R315 (3)		
5	Type of Account is Specified	R315 (5)(13)		
6	Date of Each Transaction	R315 (3)(13)		
7	Reason for Transaction	R315 (3)(13)		
8	Signature of Resident or His/Her Designated Representative	R315 (8)(11)		
9	Signature Licensee or Designee	R315 (8)		
10	Deposit Amount	R315 (3)(13)		
11	Withdrawal Amount	R315 (3)(13)		
12	Balance Brought Forward	R315 (3)(13)		

SECTION II - COMMENTS REGARDING NO ANSWERS FROM THE FRONT:

Cite Item Number and Enter Comments:

Substitute Form Is:

☐

APPROVED

☐

NOT APPROVED

Signature of AFC Licensing Consultant

Date

INSTRUCTIONS FOR APPROVAL OF SUBSTITUTE FORM REQUESTS

1. The consultant is to discuss the procedure regarding substitute form approval with the licensee and may provide the licensee this checklist (OCAL 2319A) for approving a substitute form. This checklist can serve as a technical assistance tool to assist the licensee in the development of the substitute form.
 2. The consultant receives a request for a substitute form.
 3. Any proposed substitute form submitted is to be reviewed by the consultant using this checklist to ensure all rule-required items are included on the proposed substitute form.
 4. If any **No** box is checked, an entry is to be made in the comment section for those items.
 5. This checklist must have **ALL** **Yes** boxes checked for the consultant to approve the substitute form and check **Approved** on this form. If there are, any **No** boxes checked, the consultant is to indicate, **Not Approved.** The consultant is to sign and date the form.
 6. If the proposed form **is approved**, the consultant is to maintain a copy of this checklist with a copy of the substitute form attached in the licensing file. The licensee is to be provided with a copy of this form approving the substitute form and the approved substitute form as confirmation of the approval.
- Note:** If the licensee has facilities assigned to other consultants the consultant receiving the request is to assure, that when completed, the other consultants are provided with copies of this form and the form submitted for approval.
7. If the proposed substitute form is **not approved**, the checklist along with the consultant's comments and the unapproved form is to be sent to the licensee or applicant for revision.
 8. No proposed substitute form is to be approved until all rule-requirements are met.

Authority: Act 218 of 1979, as amended
Attachment: Proposed Substitute Form
OCAL-2319A (10/03) (Back)

The Department of Consumer & Industry Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs or disability. If you need assistance in reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

OCAL 2319A (rev. 3/05)